

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 12, 1959

10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Pro-tem Pearson presiding.

Roll call:

Present: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson

Absent: Mayor Miller

Mayor Miller absent due to the death of his brother, MR. JAMES MILLER

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Assistant Chief of Police.

Invocation was delivered by REV. ROBERT ROWE, Ebenezer Baptist Church, 1010 East 10th Street.

Councilman Long moved that the flag be lowered on the City Hall in honor of MR. JAMES MILLER. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson

Noes: None

Absent: Mayor Miller

Councilman Palmer moved that the Minutes of the Meeting of February 5, 1959, be approved. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson

Noes: None

Absent: Mayor Miller

Mayor Pro-tem Pearson 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 "I", 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: TRACT 1: FROM "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; TRACT 2: FROM "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT TO "C-2" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; TRACT 3: FROM "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT TO "C-2" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT;<sup>a</sup> TRACT 4: FROM "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT TO "C-2" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT; TRACT 5: FROM "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT TO "C-1" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; TRACT 6: FROM "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT TO "C-1" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT; TRACT 7: FROM "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT TO "C-1" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT; AND TRACT 8: FROM "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT; SAID PROPERTY BEING EIGHT INTERIOR TRACTS OF LAND OUT OF AND A PORTION OF LOTS 43, 46 AND 48-53 DUVAL HEIGHTS, LOCALLY KNOWN AS 5412-5616 CAMERON ROAD, 5403-5613 INTERREGIONAL HIGHWAY AND 1059-1101 REINLI 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 Palmer 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, White, Mayor Pro-tem Pearson  
Noes: None  
Absent: Mayor Miller

The ordinance was read the second time and Councilman Palmer 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, White, Mayor Pro-tem Pearson  
Noes: None  
Absent: Mayor Miller

The ordinance was read the third time and Councilman Palmer moved that the ordinance be finally passed. The motion, seconded by Councilman White,

carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson  
Noes: None  
Absent: Mayor Miller

The Mayor Pro-tem announced that the ordinance had been finally passed.

Mayor Pro-tem Pearson 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) LOTS 9-11, SOUTH SIDE ADDITION, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "GR" GENERAL RETAIL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT; (2) EAST 51 FEET OF LOT 2, ALL OF LOT 3, AND A PORTION OF LOT 4, ALL IN BLOCK N, RIDGETOP ADDITION, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT AND FIFTH HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIFTH HEIGHT AND AREA DISTRICT; (3) LOT 1, BLOCK J, AND LOT 3, BLOCK H, ALLANDALE PARK, SECTION 2, FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT AND "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT; (4) LOTS 1 AND 2, BLOCK C, AND LOTS 1 AND 2, BLOCK B, ALLANDALE PARK, SECTION 2, FROM INTERIM "A" RESIDENCE DISTRICT AND INTERIM FIRST HEIGHT AND AREA DISTRICT TO "LR" LOCAL RETAIL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT; (5) AN IRREGULAR INTERIOR TRACT OF LAND CONTAINING APPROXIMATELY 2.61 ACRES OF LAND OUT OF THE GEORGE W. SPEAR LEAGUE NO. 7, LOCALLY KNOWN AS THE REAR OF 7205-7301 BURNET ROAD, FROM "A" RESIDENCE DISTRICT TO "GR" GENERAL RETAIL DISTRICT; (6) A TRACT OF LAND FRONTING APPROXIMATELY 164 FEET ALONG THE EAST RIGHT OF WAY LINE OF SOUTH 1ST STREET AND APPROXIMATELY 327 FEET ALONG THE NORTH RIGHT OF WAY LINE OF ST. ELMO ROAD, LOCALLY KNOWN AS 4327-4333 SOUTH 1ST STREET AND 504-514 ST. ELMO ROAD, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; (7) LOTS 10-12, BLOCK 23, GLENWOOD ADDITION, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT;

(8) TWO TRACTS OF LAND FRONTING 310 FEET ON THE NORTH RIGHT OF WAY LINE OF STATE HIGHWAY 290, EAST, AND 225 FEET ON THE EAST RIGHT OF WAY LINE OF MIRA LOMA LANE, LOCALLY KNOWN AS 2000-2024 HIGHWAY 290 EAST AND 7001-7021 MIRA LOMA LANE, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; AND (9) TWO TRACTS OF LAND FRONTING APPROXIMATELY 96 FEET ALONG THE SOUTH RIGHT OF WAY LINE OF WEST 34TH STREET, LOCALLY KNOWN AS 1213 AND 1301 WEST 34TH STREET, FROM "O" OFFICE DISTRICT TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING LOCATED 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 Palmer 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, White, Mayor Pro-tem Pearson  
Noes: None  
Absent: Mayor Miller

The ordinance was read the second time and Councilman Palmer 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, White, Mayor Pro-tem Pearson  
Noes: None  
Absent: Mayor Miller

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

Ayes: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson  
Noes: None  
Absent: Mayor Miller

The Mayor Pro-tem announced that the ordinance had been finally passed.

The City Manager submitted the following:

"February 10, 1959

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

"Dear Mr. Williams;

"Bids were received until 2:00 P.M., Tuesday, February 10, 1959, at the Office of the Director of Water and Sewer Department for the Woodrow Avenue 20-inch

Water Main, West 49th Street to Woodrow Avenue Pump Station, then publicly opened and read in the Second Floor Conference Room, Municipal Building, Austin, Texas.

"The following is a tabulation of bids received:

<u>FIRM</u>	<u>AMOUNT</u>	<u>WORKING DAYS</u>
Austin Engineering Company	\$17,801.00	45
J. R. Barnes Engineering Co.	28,558.00	60
Wagner-Webmeyer, Inc.	29,903.00	75
Bland Construction Company	33,554.00	60
Fairey-Simons Company	44,225.00	95

"It is recommended that the contract be awarded to the Austin Engineering Company on their low bid of \$17,801.00, with 45 working days.

"Yours truly,

(Sgd) Albert R. Davis , Director  
Water and Sewer Department

(Sgd) Victor R. Schmidt  
Superintendent, Water Distribution

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on February 10, 1959, for the construction of the Woodrow Avenue 20-inch Water Main, West 49th Street to Woodrow Avenue Pump Station; and,

WHEREAS, the bid of Austin Engineering Company in the sum of \$17,801.00 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 Austin Engineering Company in the sum of \$17,801.00 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 Austin Engineering Company.

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

Ayes: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson

Noes: None

Absent: Mayor Miller

Discussion of the manner of handling paving petitions and contracts was held. It was brought out that no notifications were being made to the property owners now until it was certain the paving was underway, and the

utilities already taken care of; and then the people would be notified to pay cash or give a letter of credit. The time limit of 90 days was also discussed again.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the erection of a boat dock on the property owned by Charles Robinson as described in the Travis County Deed Records and known as a tract of ground located opposite the City Park on the shore of Lake Austin, and hereby authorized the said Charlie Robinson to construct, maintain and operate this boat dock subject to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this boat dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said Charlie Robinson has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas  
February 12, 1959

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

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application of Charlie Robinson, owner of property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road, the same being a tract of ground located opposite the City Park on Lake Austin, as listed in the Travis County Deed Records, for permission to construct and maintain a boat dock projecting out into the lake approximately 20 feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if Charlie Robinson is granted his request by the City Council, that it be subject to the following conditions:

"(1) That nothing but creosoted piles, cedar piles or concrete piles, substantially braced and bolted to withstand wind and water pressure, be used in the construction and that no structure shall extend more than one-third the distance from shore to shore at the point where structure is located or be nearer than ten feet to any side property line of the owner or applicant.

"(2) That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marine supplies and tackle, and no living quarters of any character, shall be

erected on any pier, dock, wharf, float, island, piling or other structure extending into or above Lake Austin.

"(3) That every structure shall be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"(4) That all structures extending out into the Lake be constantly kept in a state of good repair and that the premises be kept reasonably clean at all times.

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

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

Ayes: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson

Noes: None

Absent: Mayor Miller

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the erection of boat docks and boat slips on the property owned by the Austin Lake Estates as described in the Travis County Deed Records and known as approximately 10 miles above Tom Miller Dam and on the west bank of Lake Austin, and hereby authorizes the said Austin Lake Estates to construct, maintain and operate these boat docks and boat slips subject to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of these boat docks and boat slips after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained, if after hearing, it is found by the City Council that the said Austin Lake Estates has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas  
February 12, 1959

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

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application

of the Austin Lake Estates, by their agent, Wroe Owens, owners of property abutting on that part of Lake Austin lying upstream from the westerly extension of the south line of Windsor Road, the same being approximately 10 miles above Tom Miller Dam and on the west bank of Lake Austin, as listed in the Travis County Deed Records, for permission to construct and maintain boat docks and boat slips projecting out into the lake approximately 40 feet beyond the normal high water level. The construction details meeting all requirements, I recommend that if Austin Lake Estates is granted request by the City Council, that it be subject to the following conditions:

"(1) That nothing but creosoted piles, cedar piles or concrete piles, substantially braced and bolted to withstand wind and water pressure, be used in the construction and that no structure shall extend more than one-third the distance from shore to shore at the point where structure is located, or be nearer than ten feet to any side property line of the owner or applicant.

"(2) That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares, and merchandise, except marine supplies and tackle, and no living quarters of any character, shall be erected on any pier, dock, wharf, float, island, piling or other structure extending into or above Lake Austin.

"(3) That every structure shall be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"(4) That all structures extending out into the Lake be constantly kept in a state of good repair and that the premises be kept reasonably clean at all times.

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

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the property situated on the south side of East 5th Street as a private gasoline plant consisting of a 550 gallon tank and electric pump for the sole purpose of servicing his own motor equipment, and from which no gasoline is to be sold, which property is owned by R. C. Lozano, and is Lots 15 and 16, of D. C. Pace Addition, Outlot 12, Division O, of the City of Austin, Travis County, Texas, and hereby authorizes the said R. C. Meat Company to operate a private gasoline plant consisting of a 550 gallon tank and electric pump for the sole purpose of servicing his own motor equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to



the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution and said permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said R. C. Meat Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"Austin, Texas  
February 12, 1959

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

"Dear Sir:

"I, the undersigned, have considered the application of the R. C. Meat Company, by R. C. Lozano, owner, for permission to operate a private gasoline plant consisting of a 550 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the south side of East 5th Street, which property is designated as Lots 15 and 16 of the D. C. Pace Addition, Division 0, Outlot 12, in the City of Austin, Travis County, Texas, and locally known as 2705 East 5th Street.

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

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

"(2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

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

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

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

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the property situated on the west side of South 1st Street as a private gasoline plant consisting of a 550 gallon tank and electric pump for the sole purpose of servicing his own motor equipment, and from which no gasoline is to be sold, which property is owned by I. E. Stubbs, and is Lot 6, Block B, Loma Linda Subdivision, of the City of Austin, Travis County, Texas, and hereby authorizes the said I. E. Stubbs to operate a private gasoline plant consisting of a 550 gallon tank and electric pump for the sole purpose of servicing his own motor equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said I. E. Stubbs has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas  
February 12, 1959

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

"Dear Sir:

"I, the undersigned, have considered the application of I. E. Stubbs for permission to operate a private gasoline plant consisting of a 550 gallon underground tank and electric pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the west side of South 1st Street, which property is designated as Lot 6, Block B, Loma Linda Subdivision, in the City of Austin, Travis County, Texas, and locally known as 2318 South 1st Street.

"This property is located in a "C" Commercial District and I recommend that this permit be granted subject to the following conditions:

"(1) That the gasoline tanks and pumps shall be of an approved type and shall

bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

"(2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street, or alley.

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

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

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

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, two certain drainage easements, each of said drainage easements consisting of a strip of land twenty (20.00) feet in width, and each being out of and a part of Lot 41, Block D of Roberts Terrace, a Subdivision of a portion of the Dinsmore Simpson Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Roberts Terrace of record in book 5, at page 132 of the plat records of Travis County, Texas; and,

WHEREAS, the owner of Lot 41, Block D of Roberts Terrace, has requested the City of Austin to release a portion of said drainage easements; and,

WHEREAS, said owner has provided a more satisfactory drainage easement across said Lot 41; and

WHEREAS, the hereinafter described portions of two drainage easements are not now needed and hereafter will not be required by the City of Austin; Now, Therefore,

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

That W. T. Williams, Jr., City Manager, be and he is hereby authorized and directed to execute a release of the drainage easements located on the

hereinafter described strips of land, to wit:

Two (2) strips of land each of the said two (2) strips of land being twenty (20.00) feet in width, each being out of and a part of Lot 41, Block D of Roberts Terrace, a subdivision of a portion of the Dinsmore Simpson Survey in the City of Austin, Travis County, Texas, according to a map or plat of said Roberts Terrace of record in book 5, at page 132 of the plat records of Travis County, Texas, each of the said two (2) strips of land being more particularly described as follows:

NO. 1, BEING all of that certain easement twenty (20.00) feet in width described in an instrument dated March 20, 1957, of record in Volume 1794 of the Deed Records of Travis County, Texas;

NO. 2, BEING the north 77.72 feet of that certain drainage easement out of and a part of said Lot 41, Block D as shown on said plat of Roberts Terrace.

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

Ayes: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson

Noes: None

Absent: Mayor Miller

Councilman Long 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 51 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF THE JOHN APPLIGATE 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 Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson

Noes: None

Absent: Mayor Miller

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

Ayes: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson

Noes: None

Absent: Mayor Miller

Mayor Pro-tem Pearson 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

9.23 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE GEORGE W. DAVIS 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 ordinance was read the second time and Councilman Long moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson  
Noes: None  
Absent: Mayor Miller

Mayor Pro-tem Pearson 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 0.53 OF ONE ACRE OF LAND, SAME BEING OUT OF THE T. J. CHAMBERS GRANT 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 Long moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson  
Noes: None  
Absent: Mayor Miller

Councilman Palmer made inquiry about the completion of the Tannehill Branch Sewer project and the time that the Walnut Hills area would be connected to the line. The Water Director made a report on this stating there was a lift station to be built, and it should be finished in about a week.

Councilman Long made inquiry about the plans for widening East 1st Street and Springdale Road. The Director of Public Works reported that there were no plans for widening East 1st Street at this time. As for Springdale Road, there were no widening plans, as there was now at present an 80' right of way north of 7th Street. At present there is some work going on on Springdale Road and 1st Street and the roadway will be widened, but there is plenty of right-of-way.

The City Manager gave a report on the payment of penalty by MR. JOE HOLT on the T-Hangar project at the Airport, and it was his recommendation that the matter be settled by determining what interest had been lost on the rentals. After brief discussion, Councilman Long moved to accept the recommendation of the City Manager regarding this particular contract. The motion, seconded by

Councilman White carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson  
Noes: None  
Absent: Mayor Miller

The City Manager stated there was an old building at the Webberville Yard which had been used as a temporary office. Since the new Service Building is ready, it was his recommendation to advertise the old building for sale. Action was postponed on this for more study.

The City Manager submitted the request of Mrs. Bullian that since she has some people who would like to buy her property in the Barton Springs vicinity, she would like to know if the City still wanted to purchase it. He reviewed the former offer which she had made, and which the City had not accepted. Councilman Long moved that the City Manager be instructed to write Mrs. Bullian to the effect that the City would like to have the property, but that no concrete definite offer from her had been received; and that the Council was of the opinion that if Mrs. Bullian would give it a price, appraisers would evaluate it and the Council would discuss it further with her. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson  
Noes: None  
Absent: Mayor Miller

The City Manager gave a report from the Library Commission on a study it had made on branch libraries that are operating in the community centers. The Commission and Librarian agreed that the practice of setting up these branch libraries in community centers was working out well, and were relieving the bookmobile operations to a great extent. If in areas that are expanding and additional space is needed, it was recommended that in cases where space could not be obtained that it be rented, until it was determined that that branch would work out in a certain location. Councilman Long recommended that when it was found that space was becoming inadequate that the bookmobiles could supplement the service; and that when new subdivisions were opened, as in one case where some property had been offered for park land, possibly the City could request that some be given for a library. Councilman Palmer stated the libraries directly helped community centers, and he believed most of the centers would want to give space.

The Director of Public Works submitted a request from the owners of the NightHawk at 20th and Guadalupe, who are making a few changes in their building and are asking permission to build a ramp from each end of this building to the entrance. The Director of Public Works had a drawing and explained in detail the request. It was a recommendation that this permission be granted as soon as the owners sign a release and an agreement to remove it upon request from the City. The Council granted this request.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. C. Evans Construction Company is the Contractor for the erection of a building located at 111 East 9th Street and desires a portion of the sidewalk and street space abutting on the west 106.67 feet of Lots 7 and 8, Block 97, 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 Construction Company, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northwest corner of the above described property; thence in a northerly direction and at right angles to the center line of East 7th Street to a point 12 feet north of the south curb line; thence in an easterly direction and parallel with the center line of East 7th Street approximately 100 feet to a point; thence in a southerly direction and at right angles to the center line of East 7th Street to the north line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. C. Evans Construction Company, 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 stripe 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 wood floor and substantially support same to prevent sagging under load.

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

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

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

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

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

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

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

(9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than June 15, 1959.

(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 Contractor's expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000) which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

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

Ayes: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson

Noes: None

Absent: Mayor Miller

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, McClellan Construction Company is the Contractor for the addition to a building located at 308 Guadalupe Street and desires a portion of the sidewalk and street space abutting on the old Courthouse Square of the Original City



of Austin, Travis County, Texas, during the addition to 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 McClellan Construction Company, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northwest corner of the old Courthouse Square; thence in a westerly direction and at right angles to the center line of San Antonio Street to a point 12 feet west of the east curb line; thence in a southerly direction and parallel with San Antonio Street 115 feet to a point; thence in an easterly direction and at right angles to the center line of San Antonio Street to the west line of the above described property.

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

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

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

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

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

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

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

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

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

(9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than June 12, 1959.

(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 One Thousand Dollars (\$1,000) which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

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

Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

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

SECTION 1. That W. T. Williams, Jr., City Manager of the City of Austin be and he is hereby authorized and directed to apply, on behalf of the City of Austin, to the Board of Water Engineers of the State of Texas for a permit to construct a dam and reservoir and water intake and outlet works on the Colorado River in Travis County, Texas, within the City of Austin, Texas, to divert for industrial use the waters impounded in such reservoir, already appropriated to the City of

Austin under Permit No. 1379 granted to the City of Austin on October 15, 1945 by the Board of Water Engineers of the State of Texas, to use the beds and banks of the Colorado River for an intake structure to divert the water and an outlet works to return the surplus waters to the Colorado River, and the City Manager is hereby authorized to do any and all things necessary or desirable to carry out the purpose of this Resolution; the location of said dam, diversion point, and discharge points to be as indicated on the plats and maps accompanying said application.

SECTION 2. That the said W. T. Williams, Jr., City Manager, is hereby authorized and directed to execute, in the name of the City of Austin, all instruments necessary or required to be executed to secure the permit and diversion point hereinbefore described.

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

Ayes: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson

Noes: None

Absent: Mayor Miller

The Council received notice that the following zoning applications had been referred to the Planning Commission and set for public hearing before the Council on March 5, 1959:

T. R. RAVEN	57 San Marcos	From "A" Residence To "GR" General Retail
WILLIAM J. JOSEPH By Herman Jones	5528-30 North Lamar Boulevard	From "C-1" Commercial To "C-2" Commercial
HUBERT E. ROSSY By Herman Jones	8601-07 North Lamar Boulevard 710-720 Beaver Street	From "C" Commercial 1st Height and Area To "C-1" Commercial 6th Height and Area
PAGE, SOUTHERLAND & PAGE	1701-05 Rio Grande 602-610 West 17th Street	From "LR" Local Retail To "C" Commercial
ELOISE SANDERS	2901 Conway, 905-07 Wayne Street	From "A" Residence To "B" Residence
W. M. COLLINS By Oliver B. Street	2919 East 12th Street	From "A" Residence 1st Height and Area To "B" Residence 2nd Height and Area
CRESTVIEW HOMEBUILDERS, INC.	1807-11 Anderson Lane 7816-18 Rutgers Ave.	From "GR" General Retail To "C-1" Commercial
J. H. FREEMAN By Jones, Herring & Jones	1014-20 (1006-08) West Lynn Street & 1601-09 West 11th Street	From "C" Commercial To "C-1" Commercial

AUSTIN NATIONAL BANK, TRUSTEE	3000-3104 Red River 826-828 East 30th Street 816-18 & 817-19 East 31st Street	From "A" Residence To "O" Office
JOHN W. TABOR By Russell J. Horn	4401 Manchaca Road 1901-13 Casey Street 4400 Merle Drive	From "A" Residence To "C" Commercial
H. G. WEST	517-21 West Oltorf St. 2401-05 South 1st St.	From "GR" General Retail To "C-1" Commercial
D. C. BRADFORD	5207-09 Cameron Road	From "A" Residence 1st Height and Area To "C" Commercial 6th Height and Area
SECURED INVESTMENTS, INC., JOE LENZO, Lessee By E. B. Fuller	3110B Manor Road	From "O" Office To "C-1" Commercial

The Council received notice that an amendment to the zoning text to create to "DL" Light Industrial District in which light manufacturing may be carried on was advertised to be heard before the Council on February 26th. Also that the following zoning application had been set for public hearing on February 26th:

JOE M. BOYER	2201-2213 Redwood Ave.	From "A" Residence To "D" Industrial
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The Council deferred action to the following zoning applications until next week:

GRACE CARUTHERS	3524-36 East 7th Street	From "D" Industrial 5th Height and Area To "C-1" Commercial 5th Height and Area RECOMMENDED by the Planning Commission
JOHN BEASLEY & FRED D. MANN	1152-1154 (1104) Navasota Street	From "C" Commercial To "C-2" Commercial NOT Recommended by the Planning Commission
C. L. REEVES	4108-4114 Bellvue Ave. 4109-4113 Alice Avenue 1201 West 42nd Street	From "A" Residence 1st Height and Area To "C" Commercial 2nd Height and Area NOT Recommended by the Planning Commission RECOMMENDED "GR" General Retail 2nd Height and Area

There being no further business, the Council adjourned at 11:35 A.M.  
in Memory of MR. JAMES MILLER, brother of the Mayor.

APPROVED

  
Mayor Pro-tem

ATTEST:

  
City Clerk