

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 26, 1956  
10:00 A.M.

Council Chamber, City Hall

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

CITY OF AUSTIN :

ON THIS the 26th day of July, 1956, the City Council of the City of Austin, Texas, convened in Regular Session, at the regular meeting place thereof in the City Hall. The meeting was called to order, with Mayor Miller presiding. The roll was called showing the following:

Present: Tom Miller, Mayor; Emma Long, Councilman; Lester E. Palmer, Councilman; Wesley Pearson, Councilman; Ben White, Councilman

Absent: None

when among other proceedings had, were the following:

Councilman White introduced a resolution and moved its adoption. The motion was seconded by Councilman Pearson. The motion, carrying with it the adoption of the resolution, prevailed by the following vote:

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

The RESOLUTION is as follows:

WHEREAS, the City Council of the City of Austin, Texas, has heretofore on the 23rd day of February, 1956, entered into a contract with Maufrais Brothers, Inc., Contractors, Austin, Texas, for the general construction of a Swimming Pool (not including plumbing) in Northwest Park in the City of Austin; and,

WHEREAS, the City's engineer has recommended that certain changes be made in the contract as awarded to said Maufrais Brothers, Inc., and has issued Change Order No. 11, dated July 13, 1956; and,

WHEREAS, the City Council of the City of Austin, Texas, has heretofore on the 28th day of February, 1956, entered into a contract with C. Ben Hibbetts

for the general construction of a Bath House (including bathhouse plumbing) in Northwest Park in the City of Austin; and,

WHEREAS, the City's engineer has recommended that certain changes be made in the contract as awarded to said C. Ben Hibbetts and has issued Change Order No. 4, dated July 17, 1956, and Change Order No. 5, dated July 17, 1956; and,

WHEREAS, said change orders have been approved by the City Manager for and on behalf of the City of Austin; and,

WHEREAS, the City Council desires to approve such changes in the contracts heretofore awarded to the said Maufrais Brothers, Inc. and C. Ben Hibbetts, and to ratify and approve the execution and approval of such change orders by the City Manager; Now, Therefore,

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

That the changes recommended by the engineer for the City of Austin, Texas, in the contract entered into by and between the City of Austin, Texas, and Maufrais Brothers, Inc., Austin, Texas, for the general construction of a Swimming Pool (not including plumbing) in Northwest Park in the City of Austin, be and the same are hereby approved.

That the execution and approval of Change Order No. 11, dated July 13, 1956, ordering such changes by W. T. Williams, Jr., as City Manager, for and on behalf of the City of Austin, be, and the same is hereby approved and ratified.

That the changes recommended by the engineer for the City of Austin, Texas, in the contract entered into by and between the City of Austin, Texas, and C. Ben Hibbetts for the general construction of a BathHouse (including bathhouse plumbing) in Northwest Park, in the City of Austin, be and the same are hereby approved.

That the execution and approval of Change Order No. 4, dated July 17, 1956, and Change Order No. 5, dated July 17, 1956, ordering such changes by W. T. Williams, Jr., City Manager, for and on behalf of the City of Austin, be, and the same are hereby approved and ratified.

ADOPTED AND APPROVED this 26th day of July, 1956.

(Sgd) Tom Miller  
Mayor, City of Austin, Texas

ATTEST:

(Sgd) Elsie Woosley  
City Clerk, City of Austin, Texas

APPROVED:

(Sgd) Doren R. Eskew  
City Attorney, City of Austin, Texas

The City Manager submitted a request for change order for Northwest Park as regarding paving a 14' strip along the north side of the part that Mr. McKown had just finished--a strip about 318' long at a cost of \$489.79.

Councilman Long introduced a resolution and moved its adoption. The motion was seconded by Councilman Palmer. The motion, carrying with it the adoption of the resolution, prevailed by the following vote:

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

The RESOLUTION is as follows:

WHEREAS, the City Council of the City of Austin, Texas, has heretofore on the 20th day of July, 1956, entered into a contract with McKown & Sons for the construction of driveways and parking areas in Northwest Park; and,

WHEREAS, the City's engineer has recommended that certain changes be made in the contract as awarded to said McKown & Sons and has issued Change Order No. 1, dated July 26, 1956; and,

WHEREAS, said change order has been approved by the City Manager for and on behalf of the City of Austin; and,

WHEREAS, the City Council desires to approve such change in the contract heretofore awarded to the said McKown & Sons, and to ratify and approve the execution and approval of such change order by the City Manager; Now, Therefore,

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

That the changes recommended by the engineer for the City of Austin, Texas, in the contract entered into by and between the City of Austin, Texas, and McKown & Sons for the construction of driveways and parking areas in Northwest Park, in the City of Austin, be and the same are hereby approved.

That the execution and approval of Change Order No. 1, dated July 26, 1956, ordering such changes by W. T. Williams, Jr., City Manager, for and on behalf of the City of Austin, be and the same is hereby approved and ratified.

ADOPTED AND APPROVED this 26th day of July, 1956.

(Sgd) Tom Miller  
Mayor, City of Austin, Texas

ATTEST:

(Sgd) Elsie Woosley  
City Clerk, City of Austin, Texas

APPROVED:  
(Sgd) Doren R. Eskew  
City Attorney, City of Austin, Texas

MR. MCKOWN requested that the Council purchase a little area of land coming down to the end of the paving on Shoal Creek Boulevard which would provide an additional entrance to the Northwest Park. The Mayor stated the Council would look into that and see what could be done.

Invocation was delivered by FATHER PAUL V. MALONEY, St. Austin's Catholic Church, 2010 Guadalupe.

Councilman White moved that the Minutes of July 19, 1956, be approved. The motion, seconded by Councilman Pearson, carried by the following vote:

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

Noes: None

MR. CLINTON MORELAND, 5404 Jeff Davis, presented the following petition signed by 21 property owners protesting the decision of the Planning Commission in granting a Special Permit to establish a Veterinary Clinic at 5311-17 Burnet Road and 5312-18 Jeff Davis Avenue, to DR. HENRY TISCHLER:

"Austin, Texas, July 26, 1956

"Mayor Tom Miller, and other Members  
of the City Council,  
Austin, Texas.

"City Council:

"With reference to the request of Dr. Henry Tischler - Ione Patricia Sieders, for a Special Permit to establish a Veterinary Clinic at 5311-17 Burnet Road and 5312-18 Jeff Davis Avenue, in the City of Austin, Travis County, Texas, and on which request a public hearing will be heard in your offices on Thursday July 26, 1956

"We, the undersigned Citizens of the City of Austin, Travis County, Texas, and resident owners within a radius of 300 feet of the above described property, do hereby ask that this request for Special Permit to establish a Veterinary Clinic, be not granted to Dr. Henry Tischler - Ione Patricia Sieders, for the following reasons:

- "1. Odors and noises would be very detrimental to neighbors and nearby businesses.
2. Parking facilities poor and dangerous on Burnet Road.
3. Building not a fireproof place to keep animals overnight.
4. Old GI barracks construction poor for ventilation and sanitation.
5. Permanent permit requested on basis of temporary lease arrangement.
6. No guarantee that cages will not be placed in vacant part of plot.
7. Modern fireproof Veterinary Clinic in 5500 block of Burnet Road.

"Respectfully submitted by the undersigned resident owners and tax payers of said Community.

"Signed by 21 property owners"

MR. H. K. SHACKELFORD submitted a map of the area, and spoke in opposition to the erection of a veterinary clinic at this location. DR. TISCHLER appeared in his own behalf, and stated the special permit set forth certain conditions under which he had to comply. The Council took no action at this time as it wanted to make a personal inspection of the site.

DR. E. H. GIVENS appeared before the Council asking that the following streets be opened all the way through:

13TH STREET from Maple Avenue east  
NEW YORK AVENUE between 13th and 14th Streets  
POQUITO between 12th and 13th Streets  
16TH STREET between Coleto and Chestnut Streets

The Council wanted to make a personal inspection of the areas.

DR. GIVENS thanked the Council for the improvements at the Olive Street Park, and asked that the Council consider naming the park the O. R. LOTT park. The Mayor stated an offer for an acre and a half of land adjoining Rosewood Park had been made. Councilman Long asked Dr. Givens to contact Mrs. Louise Davis, who had five acres she would be interested in selling for park purposes. (Off Webberville Road on Lott Avenue)

MR. BUFORD STEWART, and a group came before the Council in the interest of the South Belt Loop, and asked information about the route and when the right-of-way would be acquired. The Mayor outlined the project as of this date--that appraisers had been named to appraise the property, and this had been done. It had developed that the State may purchase the right-of-way; and if the City went ahead and purchased it now, it would not be reimbursed. After much discussion the Council stated it believed it could give an answer within a few weeks, however. The following group left their names and addresses to be notified by mail when the information was available:

|                        |                     |
|------------------------|---------------------|
| James S. Teel          | 4518 Merle Drive    |
| Leroy Farmer           | 4208 Banister       |
| Mr. & Mrs. Delma Spell | 4308 Gillis         |
| Mrs. E. G. Hestilow    | 4209 Banister Lane  |
| Mrs. Ivor Jones        | 4305 Merle Drive    |
| B. R. Stach            | 4304 Merle Drive    |
| Mrs. J. B. Wheeler     | 1308 Fort View      |
| Mrs. W. N. Wheeler     | 1504 Fortview       |
| Mrs. Richard Burger    | 1505 Fort View Road |
| Richard Dale Burger    | 1505 Fort View Road |
| Kenneth Sommers        | 4315 Gillis         |
| Buford Stewart         | 4806 Round-up Drive |
| Jacob Bauerle          | 2026 Lamar          |
| Don Wigington          | 1503 Fortview Road  |
| Russell Rowland        | 4604 Lasso Path     |

Councilman Long had a request for a four-way stop sign at Radam Lane and South 1st Street. Different ones in the delegation thought this would be a help.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, that certain Cooperation Agreement dated November 7, 1939, between the City of Austin and the Housing Authority of the City of Austin provides for annual payments of \$477.39 in lieu of taxes; and,

WHEREAS, such services as fire, police and health protection, schools and educational services and facilities, sewer service, collection and disposal of garbage and trash, the use of library, parks, recreational areas, and maintenance and repair of streets and alleys have long been recognized by the Housing Authority as being more beneficial to the Housing occupants than the payment in lieu of taxes reflected; in consequence of which said Housing Authority has for many years made voluntary payments to the City of Austin and the County of Travis in excess of the \$477.39 agreed upon November 7, 1939; but,

WHEREAS, recent Federal legislation restricts payments by said Housing Authority to such sums as are required by contract to be paid, and said Housing Authority desires to amend the aforesaid Cooperation Agreement to provide for such additional payments in lieu of taxes; Now, Therefore,

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

That the City Manager, W. T. Williams, Jr., be and he is hereby authorized to execute an agreement between the City of Austin and the Housing Authority of the City of Austin amending Paragraph 2 of Page 2 of that certain Cooperation Agreement between the said parties dated November 7, 1939, to provide for an adjustment in the annual payments in lieu of taxes.

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

The Council had before it the Workable Plan for Urban Renewal (On file in City Clerk's Office under URBAN RENEWAL). Councilman White moved that the Workable Plan for Urban Renewal be approved. The motion, seconded by Councilman Pearson, carried by the following vote:

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

Decision on the following zoning application was postponed:

CLIFFORD BIRDWELL                      103 West 38th Street      From "B" Residence  
To "LR" Local Retail

Councilman Pearson inquired of the procedure to be followed if an election official moved out of the precinct in which he was appointed to serve. The City Attorney stated the Presiding Judge could make a replacement in a case like that.

The City Manager stated that the Schools were buying a site in Barton Hills of about 8.2 acres for the school itself and had made arrangements to acquire an additional 3 plus acres if the City was interested. The Director of Recreation had thought that at this particular site, playground facilities could be set up on the school land without purchasing additional land. The Council deferred action on this until the next week as some of the members wanted to make a personal inspection of the area.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 560712A OF THE CITY OF AUSTIN PERTAINING TO THE VOTING PLACE IN VOTING PRECINCT NUMBER 422; AND DECLARING AN EMERGENCY.

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE ESTABLISHING A RETIREMENT AND PENSIONING SYSTEM FOR CERTAIN EMPLOYEES OF THE CITY OF AUSTIN, PURSUANT TO AUTHORITY GRANTED THE CITY COUNCIL UNDER SECTION 52, OF ARTICLE XIV, OF THE CHARTER OF THE CITY OF AUSTIN; CREATING A RETIREMENT BOARD TO ADMINISTER AND OPERATE THE RETIREMENT AND PENSIONING SYSTEM AND DEFINING ITS POWERS, DUTIES AND FUNCTION; PROVIDING A METHOD OF FINANCING THE SYSTEM; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; PROVIDING A SEVERABILITY AND SAVING CLAUSE AND DECLARING AN EMERGENCY", PASSED BY THE CITY COUNCIL ON OCTOBER 10, 1940, BY AMENDING SECTIONS 2 AND 5 OF ARTICLE III PERTAINING TO THE MEMBERSHIP AND DECISIONS OF THE RETIREMENT BOARD; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HERewith; PROVIDING A SEVERABILITY AND SAVING CLAUSE AND DECLARING AN EMERGENCY.

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

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

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

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

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Long, 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 Long moved that MAYOR TOM MILLER and COUNCILMAN LESTER PALMER be appointed as members on the Retirement Board. The motion, seconded by Councilman White carried by the following vote:

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

Mayor Miller introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUN-DRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUT-ING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEAR-ING AT 10:30 O'CLOCK A. M. ON THE 9th DAY OF AUGUST, 1956, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PRO-PERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERN-ING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS;

DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS; TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE.

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

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 as a filling station site the property located at the Northwest corner of the intersection of South Lamar Blvd. and Barton Skyway, which property fronts 170.00 feet on South Lamar Blvd. and 150.00 feet on Barton Skyway, and being known as the Southeast 50 feet of Lot 127, and all of Lot 128, both of West Park Addition, and the East 150.00 feet of a strip of land 20.00 feet in width shown as Planting Strip on the plat of Barton Hills Section 1, in the City of Austin, Travis County, Texas, and hereby authorizes the said Magnolia Petroleum Company to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith subject to the same being constructed in compliance with all ordinances relating thereto, and further subject to the foregoing attached recommendations and plans. The Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper

Police, Traffic and Fire regulations; and the right of revocation is retained, if after hearing it is found by the City Council that the said Magnolia Petroleum Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"July 26, 1956

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

"Dear Sir:

"We, the undersigned have considered the application of Magnolia Petroleum Company for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon the property located at the Southwest corner of the intersection of South Lamar Blvd. and Barton Skyway, which property fronts 170.00 feet on South Lamar Blvd. and 150.00 feet on Barton Skyway, and being known as the Northeast 50 feet of Lot 127, and all of Lot 128, both of West Park Addition, and the East 150.00 feet of a strip of land 20.00 feet in width shown as Planting Strip on the plat of Barton Hills Section 1, in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Magnolia Petroleum Company and we hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as General Retail upon the zoning maps of the City of Austin.

"All drainage, natural or otherwise, from this filling station is to be disposed of in such a manner that such drainage will not flow across the sidewalk area into the street, and furthermore, shall not create a nuisance to others in the neighborhood. It is understood that the disposal of such drainage shall be entirely the responsibility of the property owner. Any waste connection to a storm sewer which empties into an open drainageway shall be discontinued, if the waste becomes a nuisance or damages any property or rights of others in the vicinity of the open drainageway.

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

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

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

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

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

"(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan, hereto attached, which plan bears the Department of Public Works file number 2 - C - 2068.

"(6) Expansion joints shall be constructed as shown upon the plan, hereto attached, marked 2 - C - 2068 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 Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. C. Evans is the Contractor for the remodeling and erection of a building located at 803 Brazos Street and desires a portion of the sidewalk and street space abutting Lots 1 and 2, Block 96, of the Original City of Austin, Travis County, Texas, during the remodeling and 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 and Street Working Space

Beginning at the southwest corner of the above described property; 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 northerly direction and parallel to the center line of Brazos Street approximately 128 feet to a point; thence in a easterly direction and at right angles to the center line of Brazos Street to the northwest corner of the above described property.

### Sidewalk and Alley 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 the alley approximately 4 feet to a point; thence in a easterly direction and parallel with the center line of the alley approximately 92 feet to a point; thence in a southerly direction and at right angles to the center line of the alley 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, hereinafter termed "Contractor", upon the following express terms and conditions:

(1) Sidewalk and Street Working Space: 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) Sidewalk and Alley Working Space: That the Contractor shall construct in the alley a guard rail within the boundary lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(3) 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.

(4) 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.

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

(6) 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.

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

(8) 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 waters.

(9) 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.

(10) 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 May 1, 1957.

(11) 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.

(12) 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.

(13) 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.

(14) 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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

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

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in WALTON LANE, from a point 1,001 feet north of Bolm Road northerly 27 feet, the centerline of which gas main shall be 4 feet west of and parallel to the east property line of said WALTON LANE.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(2) A gas main in CASEY STREET, from Gillis Street easterly 245 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said CASEY STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(3) A gas main in PARAMOUNT AVENUE, from a point 265 feet north of Rabb Glen Street northerly 261 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said PARAMOUNT AVENUE.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(4) A gas main in KINNEY ROAD, from a point 166 feet south of Iva Lane southerly 867 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said KINNEY ROAD.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(5) A gas main in RAVEY STREET, from Kinney Road easterly 246 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said RAVEY STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(6) A gas main in WEST OLTORF STREET, from a point 112 feet east of South 2nd Street easterly 40 feet, the centerline of which gas main shall be 13.5 feet south of and parallel to the north property line of said WEST OLTORF STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(7) A gas main in GUADALUPE STREET, from West 38th Street northerly 258 feet, the centerline of which gas main shall

be 3 feet east of and parallel to the west property line of said GUADALUPE STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(8) A gas main in GUADALUPE STREET, from a point 181 feet south of West 43rd Street southerly 1,209 feet, the centerline of which gas main shall be 3 feet east of and parallel to the west property line of said GUADALUPE STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(9) A gas main in WEST 40TH STREET, from Guadalupe Street easterly 25 feet, the centerline of which gas main shall be 10 feet north of and parallel to the south property line of said WEST 40TH STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(10) A gas main in SCHRIEBER STREET, from East Live Oak Street southerly 276 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said SCHRIEBER STREET.

(11) A gas main in OAKMONT BOULEVARD, from West 34th Street northerly 170 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said OAKMONT BOULEVARD.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(12) A gas main in EAST 12TH STREET, from a point 325 feet west of Deloney Street easterly 378 feet, the centerline of which gas main shall be 9 feet north of and parallel to the south property line of said EAST 12TH STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

(13) A gas main in EAST 12TH STREET, from Deloney Street easterly 1970 feet, the centerline of which gas main shall be 9 feet south of and parallel to the north property line of said EAST 12TH STREET.

Said gas main described above shall have a cover of not less than  $2\frac{1}{2}$  feet.

THE Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities but is based upon the best records we have at hand, and the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas

Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

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

The Council referred a letter from MR. C. A. SCHUTZE, regarding parking for election officials at the polls, to the City Manager to work out.

The City Manager submitted a report on the paving of Sunshine Drive in front of McCallum School, stating Mr. McKown had been getting the owners signed up. Councilman Pearson moved that they proceed with this project. The motion, seconded by Councilman White, carried by the following vote:

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

The City Manager submitted a report on the paving of Ullrich Avenue on which GIESEN and LATSON had been working. Councilman White moved that they proceed with this project as recommended. The motion, seconded by Councilman Pearson, carried by the following vote:

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

Councilman Long stated the City was getting rid of the motorcycles in the Police Department and keeping the three-wheeled ones; and that Captain Miles had stated those who rode the motorcycles volunteered. She thought it was the expression of the Council that they do away with the motorcycles; but if it were the feeling of the men that they could do a better job, and it was a voluntary thing, she wanted to withdraw her objections. The Mayor suggested referring the matter to the Police Department for recommendation. The City Manager had the recommendation from the Police Department that the motorcycles not be used, but the tricycles, which could be used for processions, etc. be kept.

Councilman Pearson inquired about opening Koenig Lane through to Airport Boulevard. The Director of Public Works stated this was working out just fine. As to the easement from the Railroad crossing, Councilman Pearson suggested that this be obtained right away so when the street was ready, there would not be any delay.

The Council received notice that the following zoning application publicly heard on April 15, 1954, and deferred indefinitely, had been withdrawn, as the applicant was filing a new application:

C. R. SCALES

7305 Burnet Road

From "A" Residence 1st  
Height and Area

To "C" Commercial 6th  
Height and Area

There being no further business the Council adjourned at 12:20 P.M. subject to the call of the Mayor.

APPROVED:

Tom Miller  
Mayor

ATTEST:

Clair Hassley  
City Clerk