

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 12, 1954

10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor McAden presiding.

Roll call:

Present: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Absent: None

Present also: W. E. Seaholm, City Manager; W. T. Williams, Jr., City Attorney; C. G. Levander, Director of Public Works.

Invocation was delivered by REV. J. P. McCRARY, Wilshire Presbyterian Church.

Pledge of Allegiance to the Flag.

MR. GRADY CHANDLER appeared concerning the zoning application of EDWARD JOSEPH, 3400-3402 Fruth Street, from "B" Residence to "C" Commercial as amended and outlined the procedures up until this time, and asked that the matter be referred back to the Plan Commission, as when it was considered by the Plan Commission last week, only the applicants were present, and the Plan Commission recommended the change to the Council. Councilman Thompson moved that the application be sent back to the Plan Commission to hold another public hearing on, and that all property owners within 300' be notified of the date of hearing. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

Councilman Long moved that the Council reset the Edward Joseph application for public hearing at a later date. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

MR. J. E. PECK, North Austin Civic Club, presented the following letter:

"August 12, 1954

"TO THE HONORABLE MAYOR AND OTHER MEMBERS OF THE CITY COUNCIL OF THE CITY OF AUSTIN:

"For several years, the North Austin Civic Club has repeatedly requested Your Honorable City Council to dedicate for park purposes the entire Country Club Golf Course property located along East 41st and Red River Streets. A portion of that area has been so dedicated and for that we are extremely grateful.

"As you know, there is on file with Your Honorable Council a petition sponsored by the North Austin Civic Club petitioning for the dedication of the remaining 40 acres for park purposes.

"We understand that a proposal has been made that the City sell such remaining 40 acres.

"The members of the North Austin Civic Club have given years of thought and effort to this problem and firmly believe this tract of land to be of inestimable value to the City as a park and for other public purposes for generations to come. No other vacant tract this size can be bought anywhere in North Austin.

"We, the members of the North Austin Civic Club, acting through our President, strongly urge Your Honorable Council to dedicate such 40 acre tract for park purposes today.

"In lieu of such immediate dedication, you may find it wise to appoint a special commission to study the most advantageous usage of this tract. Perhaps the Easterly 200 feet facing on the Interregional Highway could be sold to the highest bidder, but there is absolutely no doubt that the remainder of such 40 acre tract should be dedicated for park purposes.

"We, therefore, sincerely urge Your Honorable Council to dedicate such 40 acre tract FOR PARK PURPOSES NOW.

"Respectfully submitted,
NORTH AUSTIN CIVIC CLUB
By: (Sgd) OE Adams
Olan Adams, President"

The Mayor pointed out that the KOHN property, given 10 years ago, had not been developed yet. This with 15 or 20 acres of cemetery property, not suitable for cemetery, could be developed and given more even distribution of parks in the north part of town, as there were SHIPE, HANCOCK, PATTERSON PARK and EAST SIDE PARK within 15 blocks of each other; and when this proposition was made that the money from the sale of the Hancock Tract could be used to develop the golf course, develop the 50 acres of the Hancock Park where more people could use it; and it was his suggestion also to retop Congress Avenue, and improve the Congress Avenue Bridge. MRS. GEORGE FRANCISCO, former secretary of the North Austin Civic Club, noted there was insufficient places for the boys to play ball; that the Little Leaguers on the north side were unable to locate suitable places as the neighbors had objected to the sites designated, and suggested that the 40 acres of the Hancock Tract be retained

and made into ball parks and tennis courts. She stated the people in north Austin were not objecting to their taxes. Councilman Pearson said the Council had not discussed the future needs of that piece of ground; and before the sale of it was considered, the Council would have to consider all angles of its future use, school needs, etc.; that at the present time, the Mayor had mentioned an offer of about \$300,000 for the property. There was an urgent demand now to develop park land, and having park land undeveloped is useless. An urgent need is at hand to develop Hancock Park and the Kohn park and the Reed Park, and he would like to see some of those parks developed. Councilman White was in sympathy with the merchants on the Avenue, and was one of the leaders that worked night and day to get the bridge widened and beautified, but he was not in favor of selling any park land to put on the bridge of Congress Avenue. He thought 200-250' of land on Airport Blvd might be sold for the same amount as selling the whole tract. He wanted to keep all the land for the future park needs of the children. Councilman Long did not believe the Kohn tract plus the 26 acres of the cemetery property would be sufficient; that the area at Hancock Park, developed into swimming and picnicking purposes would still leave the children without ball parks and tennis courts; and that when there was a densely populated area surrounding this land, it should not be sold off and particularly the money should not be used for resurfacing Congress Avenue and such purposes. Councilman Thompson believed all this to be a little immature, as the Mayor had commented to the Council at the end of one of the meetings that a real estate man had made this offer; and that not more than ten minutes had been consumed in discussing the proposition; and there was no serious recommendation or comment by any Council member that this property be sold; that there was a four-column headline in the paper saying it was just before being sold, and the Council does not have in under consideration at this moment. The City Manager showed a plan of the development of Hancock Park, showing locations of a proposed swimming pool, ball fields, and picnic grounds, MR. PECK thanked the Council for hearing them, and stated if the tract were sold, he believed Austin would be the loser. Councilman Thompson stated that when this land was ready to be sold, he would ask for a public hearing to hear everybody on it.

MR. BOB COOPER, Austin Golf Association, favored the sale of the Hancock tract and asked for improvement of the land provided for the new golf course. His group would not take exceptions to the request of the North Austin Civic Club, as they wanted to see parks expanded and did not want any taken away unless others were located. He asked again that the golf course be developed and expanded. Councilman Thompson was interested in the number of golfers in Austin, and the number of members in the association. There were 200 members, and Mr. Cooper was to supply information as to the number of golfers. Councilman Pearson inquired about the number of teenagers interested in golf. MR. COOPER replied there was tremendous interest among the youths, and the Association sponsored quite a program, but it had been curtailed by lack of facilities. They had sponsored free instruction and practice; had furnished clubs etc, sponsored tournaments, and had some outstanding talent representing Austin in national tournaments. Councilman Thompson asked him to furnish statistics on the number of golfers, number of youths that they could involve in this youth program, and what they had done in the past. Councilman Pearson noted that the golf course would support itself. He inquired if the Association felt that the course on the Hancock property could be closed when the other was developed. Mr. Cooper stated it was their intention to abandon it when the other was available. Councilman Thompson commended his Association on the work it had done in involving young boys in golf, and stated that when the sale of the Hancock tract came up, Mr. Cooper should be at the hearing.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

That W.E. Seaholm, City Manager, be and he is hereby authorized and directed to execute a Wire Crossing Contract on behalf of the City of Austin with the Texas and New Orleans Railroad Company for the purpose of constructing, maintaining and using four guy wire locations in, on and over the railroad right-of-way at or near Fromme, Texas, in accordance with the terms and provisions of said contract, as exhibited to the City Council by the City Manager; and,

BE IT FURTHER RESOLVED:

That the City Clerk is hereby authorized and directed to place and keep an executed copy of said Wire Crossing Contract in the permanent files of the City Clerk's Office.

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

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The City Manager submitted the following:

"August 11, 1954

"Memorandum to: Walter E. Seaholm, City Manager

Memorandum from: C.G. Levander, Director of Public Works

"Following is a tabulation of bids received at 10:00 A.M. Friday, August 6, 1954, for widening of Lamar Boulevard and construction of traffic islands at West 19th Street intersection.

Maufrais Bros	\$6,134.95
Earl Rogers	6,367.30
Joe Fuhrman	6,987.29
Collins Construction Co.	7,117.02
John R. Andrews	7,258.35
City's Estimate	\$6,810.50

I recommend that Maufrais Brother with their low bid of \$6,134.95 be awarded the contract for this project.

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on August 6, 1954, for the widening of Lamar Boulevard and construction of traffic islands at West

19th Street intersection; and,

WHEREAS, the bid of Maufrais Brothers in the sum of \$6,134.95 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin, and by the City Manager; Now, therefore,

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

That the bid of Maufrais Brothers in the sum of \$6,134.95 be and the same is hereby accepted, and W.E. Seaholm, City Manager of the City of Austin, is hereby authorized and directed to execute a contract on behalf of the City of Austin with Maufrais Brothers.

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

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Mayor McAden introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH NELSON PUETT; PROVIDING FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT AND DECLARING AN EMERGENCY.

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, Pearson, Thompson, White, Mayor McAden
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, Pearson, Thompson, White, Mayor McAden
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: Councilman Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The mayor announced that the ordinance had been finally passed.

The City Manager submitted the following:

August 10, 1954

Memo to: Mr. W. E. Seaholm, City Manager

From : D. C. Kinney, Superintendent Electric Division

Subject: Power Plant Combined Contracts 29, 31, 32

The bids for the Power Plant building, intake tower, oil tanks, substation, power wiring, power piping, and auxiliaries as specified in subject contract were duly opened on Tuesday, August 10, 1954, at 10:00 A.M. The tabulation and valuation is as follows:

Bidder	Bid Price	Days Unit 7	Bids Evaluated for June 1 Completion	Addition for Painting pre- sent structure
Brown & Root, Inc.	\$1,956,616	300	\$1,957,336	\$ 9,697
Farnsworth & Chambers Co.	2,068,000	400	2,096,700	18,000
C. H. Leavell & Co.	2,258,900	420	2,285,800	20,000
H. K. Ferguson Co.	2,284,931	345	2,295,041	15,500
J. M. Odom	2,387,765	-	-	20,000
E. E. Farrow	2,482,980	-	-	31,500
Fuel Economy Engr. Co.	2,578,300	330	2,587,360	17,016
Rex D. Kitchen Const. Co.	2,594,677	457	2,628,117	18,000
Merritt, Chapman & Scott	2,628,000	288	2,627,340	19,510
Austin Building Company	2,640,000	300	2,642,520	22,100
R. P. Farnsworth & Company	2,733,000	490	2,770,100	18,581

We concur with the recommendation of Mr. Hartung of Burns & McDonnell Engineering Company that the bid of Brown & Root for the lumpsum of \$1,956,616 be accepted as the lowest bid. The bid price for painting the present Power Plant is \$9,697.

I recommend that the City award the contract to Brown & Root on the base bid, and also the addition for the painting, making a total lump sum of \$1,966,313.

Approved
(Sgd) W.E.S.
W. E. Seaholm
City Manager

(Sgd) D.C.K.
D. C. Kinney, Superintendent
Electric Division

Councilman Thompson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on August 10, 1954, for the Power Plant Building, intake tower, oil tanks, substation, power wiring, power piping, and auxiliaries as specified in Power Plant Combined Contracts 29, 31, 32 and for the painting of the present Power Plant Structure; and,

WHEREAS, the bids of Brown and Root, Inc. in the sum of \$1,956,616.00 for such construction work under Contracts 29, 31, and 32, and in the sum of

\$9,697.00 for painting of the present structure, were the lowest and best bids therefor, and the acceptance of such bids has been recommended by Burns & McDonnell Engineering Company, Consulting Engineers for the Power Plant Building, and by the Superintendent of the Electric Division of the City of Austin, and by the City Manager; Now, Therefore,

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

That said bids of Brown & Root, Inc. be and the same are hereby accepted, and W. E. Seaholm, City Manager, be and he is hereby authorized and directed to enter into contracts with said Brown & Root, Inc.

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

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman Pearson inquired if there was some way to put into the contract that Austin labor be used, and stated he was very concerned to be assured that the Austin people would be used.

The City Manager submitted the following:

"August 11, 1954

" Memorandum to: Walter E. Seaholm, City Manager

Memorandum from: C. G. Levander, Director of Public Works

" Following is a tabulation of bids received at 10:00 A.M. Tuesday, August 10, 1954, for the construction of a Sewage Lift Station at Taylor Branch northwesterly of Scenic Drive.

Maufrais Brothers	\$10,471.00
Austin Engineering Co.	11,414.00
Karl Wagner	14,864.00
Earl Rogers	16,174.00
City's Estimate	\$10,000.00

I recommend that Maufrais Brothers with their low bid of \$10,471.00 be awarded the contract for this project.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on August 10, 1954, for the construction of a Sewage Lift Station at Taylor Branch northwesterly of Scenic Drive; and,

WHEREAS, the bid of Maufrais Brothers in the sum of \$10,471.00 was

the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Maufrais Brothers in the sum of \$10,471.00 be and the same is hereby accepted, and W. E. Seaholm, City Manager of the City of Austin, is hereby authorized and directed to execute a contract on behalf of the City of Austin with Maufrais Brothers.

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

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
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 HIGHLAND COURT, from Hancock Drive southerly 1036 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said HIGHLAND COURT.

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

(2) A gas main in HANCOCK DRIVE, from a point 32 feet east of Highland Court easterly 65 feet, the centerline of which gas main shall be 5.5 feet south of and parallel to the north property line of said HANCOCK DRIVE.

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

(3) A gas main in SWISHER STREET, from a point 113 feet north of East $23\frac{1}{2}$ Street southerly 74 feet, the centerline of which gas main shall be 5 feet west of and parallel to the east property line of said SWISHER STREET.

Said gas main described above shall have a

cover of not less than $2\frac{1}{2}$ feet.

(4) A gas main in SOUTH CONGRESS AVENUE, from a point 3154 feet south of Radam Lane southerly 820 feet, the centerline of which gas main shall be 6 feet east of and parallel to the west property line of said SOUTH CONGRESS AVENUE.

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

(5) A gas main in SHOALMONT DRIVE, from Shoalwood Avenue easterly 157 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said SHOALMONT DRIVE.

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

(6) A gas main in EAST 47TH STREET, from Eilers Avenue easterly 21 feet, the centerline of which gas main shall be 21 feet south of and parallel to the north property line of said EAST 47TH STREET.

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

(7) A gas main in ANDERSON LANE, from a point 145 feet west of the west property line of Lamar Blvd. and 52 feet north of the south property line of Anderson Lane easterly 152 feet to a point 21 feet north of the south property line ANDERSON LANE.

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

(8) A gas main in LAMAR BLVD. across Anderson Lane intersection, beginning 8 feet west of the east property line of Lamar Blvd. and on the south property line of Anderson Lane thence easterly, northerly and westerly 87 feet to a point 8 feet west of the east property line of LAMAR BLVD. and on the north property line of Anderson Lane.

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

(9) A gas main in LAMAR BLVD., from Anderson Lane to West Powell Lane, the centerline of which gas main shall be 8 feet west of and

parallel to the east property line of said LAMAR BLVD.

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

(10) A gas main in WEST POWELL LANE, from Lamar Blvd. to Georgian Drive, the centerline of which gas main shall be 6 feet south of and parallel to the north property line of said WEST POWELL LANE.

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

(11) A gas main in GEORGIAN DRIVE, from West Powell Lane to Lola Drive, the centerline of which gasmain shall be 6 feet west of and parallel to the east property line of said GEORGIAN DRIVE.

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

(12) A gas main in LOLA DRIVE, from Georgian Drive easterly 983 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said LOLA DRIVE.

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 that 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 Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, A. W. Theillepape is the Contractor for the alteration of a building located at 201-213 East 5th Street and desires a portion of the sidewalk and street space abutting the west 38 feet of Lot 9 and all of 10, 11, and 12, Block 41 of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore

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

1. THAT space for the uses hereinabove enumerated be granted to said A. W. Theillepape, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the north east corner of the above described property; thence in a northerly direction and at right angles to the center line of East 5th 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 5th Street approximately 176 feet to a point; thence in a southerly direction and at right angles to the center line of East 5th Street to the north west 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 southerly direction and parallel with 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 south west corner of the above described property.

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

(1) That the Contractor shall erect and maintain continuously in good condition during the use of said space hereby allotted, a substantial walkway at least 4 feet wide in the clear on the inside and at least 8 feet high, the same to be covered solidly on the street side with boards to a height of 4 feet above pavement and on the building side to be covered solidly with boards to a height of 8 feet. The top of the walkway shall be covered solidly with boards at least 2 inches thick, which shall be supported at intervals sufficiently close to prevent sagging of the roofing boards. The roof of said walkway shall be covered with a roofing material which will prevent leaking of the roof and provide a dry walkway at all times. No woodstrips or obstructions of any kind shall be permitted along the pavement within the walkway, and at any time in the opinion of the City Officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

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

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

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

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

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

(7) That provisions shall be made for the normal flow of all storm waters in the gutter and 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, 1954.

(10) That the City reserves the right to revoke at any time any and all the privileges hereingranted 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 hereingranted 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 (\$5,000.00) 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 occupandy of the space.

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

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Howard White is the Contractor for the alteration of a building located at 2246 Guadalupe Street and desires a portion of the sidewalk and street space abutting the south 43 feet of Lot 35, Outlot 35, of the Louis Horst Sub-division, of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore

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

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

Sidewalk and Street Working Space

Beginning at the north east corner of the above described property; thence in a easterly direction and at right angles to the center line of Guadalupe Street approximately 5 feet to a point; thence in a southerly direction and parallel with the center line of Guadalupe Street approximately 43 feet to a point; thence in a westerly direction and at right angles to the center line of Guadalupe Street to the south east corner of the above described property.

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

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

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

(3) 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.

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

(5) 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 September 10, 1954.

(6) 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.

(7) 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.

(8) 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.

(9) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1000.00), 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 Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Mayor McAden introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING
AND CLOSING THAT CERTAIN PORTION OF
KENWOOD AVENUE WHICH LIES NORTH OF
RIVERSIDE DRIVE AND SOUTH OF THE WEST
RIGHT-OF-WAY LINE OF INTERREGIONAL
HIGHWAY, AND THAT CERTAIN PORTION OF
EDGECLIFF TERRACE WHICH LIES NORTH-
EAST OF EDGECLIFF STREET AND WEST OF
THE WEST RIGHT-OF-WAY LINE OF INTER-
REGIONAL HIGHWAY, IN THE CITY OF AUS-
TIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING
THE ORDINANCE RULE REQUIRING THE READING
OF AN ORDINANCE 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 Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
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 Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

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

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman Thompson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by that certain instrument of record in Volume 600, at page 136, Deed Records of Travis County, Texas, John Hancock Mutual Life Insurance Company, a corporation, did grant a certain centerline electric line easement to Texas Power and Light Company on a certain 283 acre tract in the Thomas Toulson and Oliver Buckman Surveys in Travis County, Texas; and

WHEREAS, such electric line easement is no longer needed because of the rerouting of said electric line along the new Farm to Market Road No. 969; and

WHEREAS, the present owners of said tract have executed a descriptive centerline easement for the location of such line on said tract; and

WHEREAS, the City of Austin is the present assignee and owner of said easement rights; and

WHEREAS, such easement as hereinafter described, creates a burden on the title of said tract and is not now needed and hereafter will not be required by the City of Austin; Now, Therefore,

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

That W. E. Seaholm, City Manager, be and he is hereby authorized and directed to execute a release of such electric line easement described as follows:

An electric transmission and/or distribution line easement on a certain 283 acre tract in the Thomas Toulson and Oliver Buckman Surveys, in Travis County, Texas, which tract is more

particularly described in that certain deed of record in Volume 945, page 496, Deed Records of Travis County, Texas, and which electric line easement is more particularly described in that certain instrument of record in Volume 600, at page 136, Deed Records of Travis County, Texas.

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

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on July 15, 1954, a driveway release was executed on Lot 68, Treadwell Addition Section Two, a subdivision in the City of Austin, which instrument appears of record in Volume 1473, at page 173, of the Deed Records of Travis County, Texas; and

WHEREAS, said release imposes an obligation on said lot which creates a burden on the title of same; and

WHEREAS, the owner of said lot has requested the City Council to release the obligation imposed on said lot by that instrument of record in Volume 1473, at page 173, of the Deed Records of Travis County, Texas; and

WHEREAS, the driveway on said lot has been constructed and approved, Now, Therefore,

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

That W. E. Seaholm, City Manager, be and he is hereby authorized and directed to execute a release releasing said Lot 68, Treadwell Addition Section 2 from the obligation imposed by that certain driveway release recorded in Volume 1473, at page 173, of the Deed Records of Travis County, Texas.

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

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Council discussed the Personnel Policy and discussed making the following changes:

1. Page 6, Paragraph 3.5 Layoff. Change the word "may" to "will".
2. Page 6, Paragraph b, add "written" before "notice of layoff".
3. Page 6, Paragraph 3.8, Nepotism. It was suggested to include the State law and charter provisions on Nepotism.
4. Page 16 Paragraph b. Retired employees to be paid accrued sick leave, if any. No change made in policy, but the City Manager stated he was submitting a separate report on this to the Council.

(Councilman Long suggested the above changes.)

5. Page 23, Paragraph 6.8b, Injury Leave. Change the first sentence to read, "An employee who is physically able and fails to report within 24 hours..."
6. Page 26, Paragraph 6.17, Resignation. Add "in writing" after resignation in second line.
7. Page 26, Paragraph 6.18, Civic Duties. The words "a judge or clerk of election" were taken out.
(Councilman Long's suggestion)

The following were discussed, but passed over for further discussion:

Page 10, Sec. c - adding the words, "his recommendation to the Council who shall make the" final determination.

Page 23, Paragraph 6.8 Injury Leave. Discussion of physician approved by City Manager, or physician on Brackenridge Staff, or physician approved by the Travis County Medical Society. Councilman Thompson would not accept showing preference between any society, and if the Travis County Medical Society were included the Osteopathic Society should also be included.

Page 27, Paragraph 7.2 - Outside Employment. Councilman White wanted this section taken out. Councilman Pearson was 100% in accord with the paragraph, even though he admired an employee who had initiative to do additional work, he did not think he should take on work that would jeopardize his efficiency on the job. Councilman Thompson was of the same opinion, and did not see anything wrong in inserting this paragraph to say that the Council discouraged employment on the outside; that it did not say the employees could not work on the outside. He looked with favor on working extra if it did not interfere with the efficiency of their jobs. Councilman Long stated that was covered already. Councilman Pearson did not favor employees engaging in private contract jobs, as that put them in a better position to bid against private industry. The City Manager recommended against outside employment and leaving this section out. He believed the Council would have lots of complaints. In the Utility Department, they had forbidden outside employment. If it is permitted in one section, it should be permitted throughout the organization.

Councilman Long suggested that no city employee be permitted to use profanity when dealing with the general public. Councilman Thompson felt this was covered in maintenance of high standards of employees.

Payment of sick leave was discussed. The City Manager recommended payment for accrued sick leave over 90 days in time one additional vacation day for every two sick-days, which would add one week to his vacation.

This discussion was continued until later.

Recessed Meeting

2:30 P. M.

At 2:30 P.M., the Council heard the complaints from the Wrecker Companies through their attorney, MR. TOM LONG. MR. E. B. FULLER represented U. S. Body Shop, and MR. CALVIN JAYROE, represented three garage repair shops. Members of the Police Department were present. The matter was continued until September 2, 1954. The Attorneys were asked to get with the City Attorneys and discuss suggested changes. Transcript of this meeting on file in City Clerk's Office under WRECKERS.

Councilman Long reported a complaint from MRS. O. L. LEONARD about people dumping cats and dogs throughout the city and asked if there was something the Council could do to make it a penalty to drop cats and dogs in the city limits. Councilman Pearson stated there were several persons interested in this and suggested that the Humane Society could look into the possibility of controlling this. The City Manager stated those that wanted to abandon the cats and dogs should call the Humane Society.

The Council received notice from the City Manager that the following applications for change of zoning had been referred to the Plan Commission:

C. L. ANGELL	1700-1708 Montopolis Dr. 6209-6213 Caddie St. and 6208-6212 Langham St.	From "A" Residence 1st Hgt & Area To "C" Commercial 6th Hgt & Area
M. J. KOURI	1140 1/4 thru 1148 7/8 Airport Blvd.	From "A" Residence 1st Hgt & Area To "C" Commercial 6th Hgt & Area

There being no further business the Council adjourned at 5:12 P.M. subject to the call of the Mayor.

APPROVED


Mayor

ATTEST:


City Clerk