

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 12, 1950  
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Glass presiding.

## Roll Call:

Present: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Absent: None

The minutes of the previous meeting were read, and Councilman Johnson moved that they be approved as read. The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

MR. AUBREY ELLIOTT representing the Community Council, in response to the City Council's request that they undertake a survey of all welfare agencies in Austin, appeared and outlined to the Council the overall plan which the Community Council proposed to follow. He stated the Commissioners Court had also asked that their welfare activities be included in the survey and that MR. WALTER LONG had accepted the chairmanship of the Citizens Study Committee. The Community Council has employed MR. PAUL BENNER, Baton Rouge, to make this survey, to begin January 16th, and to be completed in about fifteen days. MR. ELLIOTT suggested that at the conclusion of the survey that the Community Council meet with the City Council to hear a verbal report. Councilman Long moved that the City Council meet with the Community Council and Commissioners Court to hear this report at a mutually convenient time. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

MR. MORIN SCOTT appeared before the Council with reference to personal property taxes on furniture and fixtures at the A-BAR APARTMENT HOUSE. He explained change of ownership and the transfers of the property, and he believed that the could get the different owners during the year to agree on the listing of the property and the disposition of the taxes between them for the year 1949. The Council directed the Tax Department to go into this matter with Mr. Scott and the other owners in an effort to work out a solution.

MR. ROBERT HEIDRICK and spokesmen for the AUSTIN INSURANCE EXCHANGE outlined to the Council the schedule for the fire, windstorm and extended coverages of properties of the City, including the revised schedule of values and rates. It was shown that the present coverage was \$890,000 with a three year premium of \$10,439.60. The contemplated coverage would be \$3,600,000 with a three year premium of \$35,000. The present items covered amount to 88, while the new schedule covers 221 items. The Council took the schedule under advisement; and if possible, give them an answer at the next meeting.

MR. TOM HARPER, President of the MUTUAL EXCHANGE in Austin, discussed the matter of participating in the commissions on the City's insurance business, and the question of whether or not the Mutual Exchange members could write any of the City's business and whether or not they should participate in all business of the City. The matter was taken under consideration by the Council.

MR. LOUIS BRADSHAW appeared before the City Council with reference to the purchase of a piece of property 100' x 192' at 4904-06 East Avenue. It was decided that due to the fact that this property might be needed by the City and had not been recommended for sale that it would not be offered for sale at this time.

MR. HOYT ADAMS appeared before the Council to express his opinion that certain persons other than trained police officers might be used in the handling of traffic.

Councilman Long moved that the following applications for change of zoning be referred to the Zoning Board of Adjustment for consideration and recommendation:

MRS. OUIDA F. NALLE	1201-11 Red River	From "C-1" Commercial	
		To "C-2" Commercial	
S. Z. SKINNER	.2 acres adjoining	From "A" Residential	
	I&GN ROW, and ex-	To "D" Industrial	
	tending from the ne		
	corner of Camp Mabry		
	to se corner Highland		
	Park West		

The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Councilman Johnson 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 LEONA STREET, from a point 158 feet north of Dotson Street northerly 69 feet, the centerline of which gas main shall be 13 feet west of and parallel to the east property line of said LEONA STREET.

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

(2) A gas main in WALNUT AVENUE, from a point 19 feet south of East 16th Street northerly 180 feet, the centerline of which gas main shall be  $6\frac{1}{2}$  feet west of and parallel to the east property line of said WALNUT AVENUE.

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

(3) A gas main in JOE SAYERS AVENUE, from a point 690 feet north of Houston Street northerly 109 feet, the centerline of which gas main shall be  $6\frac{1}{2}$  feet west of and parallel to the east property line of said JOE SAYERS AVENUE.

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

(4) A gas main in EAST 4TH STREET, from Pleasant Valley Road westerly 143 feet, the centerline of which gas main shall be 12 feet north of and parallel to the south property line of said EAST 4th STREET.

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

(5) A gas main in EILERS AVENUE, from a point 340 feet north of East 51st Street northerly 220 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of and parallel to the east property line of said EILERS AVENUE.

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

(6) A gas main in EAST 3rd STREET, from a point 516 feet east of San Saba Street easterly 103 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north property line of said EAST 3rd STREET.

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

(7) A gas main in STARK STREET, from a point 536 feet west of Georgetown Road westerly 126 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north property line of said STARK STREET.

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

(8) A gas main in EAST 4th STREET, from a point 80 feet west of San Saba Street east to San Saba Street, the centerline of which gas main shall be 12 feet north of and parallel to the south property line of said EAST 4th STREET.

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

(9) A gas main in SAN SABA STREET, from East 4th Street northerly 134 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of and parallel to the east property line of said SAN SABA STREET.

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

(10) A gas main in CLEARVIEW DRIVE, from a point 236 feet west of Pecos Street westerly 74 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north property line of said CLEARVIEW DRIVE.

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

(11) A gas main in CHESTNUT AVENUE, from a point 180 feet north of East 14th Street northerly 38 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet west of and parallel to the east property line of said CHESTNUT AVENUE.

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

(12) A gas main in EAST 10th STREET, from Concho Street westerly 234 feet, the centerline of which gas main shall be  $7\frac{1}{2}$  feet south of and parallel to the north property line of said EAST 10th STREET.

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

(13) A gas main in WATERSTON AVENUE, from a point 175 feet east of Toyath Street, easterly 191 feet, the centerline of which gas main shall be  $6\frac{1}{2}$  feet south of and parallel to the north property line of said WATERSTON AVENUE.

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

(14) A gas main in WOODLAWN BOULEVARD, from Waterston Avenue northerly 81 feet, the centerline of which gas main shall be 20 feet east of and parallel to the west property line of said WOODLAWN BOULEVARD.

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.

Which motion, duly seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its underground telephone conduits in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the Director of Public Works; therefore

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

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its underground telephone conduits in the following streets:

(1) An underground telephone conduit across SAN MARCOS STREET at a location 133 feet south of the centerline of East 11th Street.

(2) An underground telephone conduit across GROOMS STREET at a location 81 feet south of the centerline of East 33rd Street.

THAT the work and construction of said underground telephone conduits, including the excavation of the streets and the restoration and maintenance of said streets after said underground telephone conduits have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinance and regulations of the City of Austin governing such construction.

Which motion, duly seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

Mayor Glass introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 22(d) OF ARTICLE IV RELATING TO THIRTY-MINUTE PARKING ZONES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

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

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

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

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

The Mayor then announced that the ordinance had been finally passed.

Mayor Glass introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ESTABLISHING PARKING METER ZONES IN THE CITY OF AUSTIN; AND PROVIDING FOR THE REGULATION OF TRAFFIC THEREBY, WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN AUGUST 19, 1937, AND IS RECORDED IN BOOK "K", PAGES 281-286, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 8(a)1 OF SAID ORDINANCE RELATING TO THIRTY-MINUTE PARKING METERS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY.

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

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

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

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

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

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

The Mayor then announced that the ordinance had been finally passed.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Mrs. Rose Kleeman, for the laying of certain water mains, sanitary sewer mains and other pipes in Willa Place Subdivision, in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Copy of Contract attached)

"THE STATE OF TEXAS §

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS §

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, and Mrs. Rose Kleeman, of Travis County, Texas, hereinafter sometimes called Owner, WITNESSETH:

I.

As a part of the development of Willa Place Subdivision, a subdivision in the City of Austin, Travis County, Texas, Owner desires to provide the following utilities:

(a) Water mains and other water pipes to be located in streets and easements to serve such Subdivision.

(b) Sanitary sewer mains and other sewer pipes to be located in streets and easements to serve all of such Subdivision.

II.

It is estimated that all of the work described in Paragraph I will cost the sum of Four Thousand Dollars (\$4,000.00) when completed, of which cost the sum of Thirteen Hundred Dollars (\$1,300.00) is estimated to be the cost of water lines and the sum of Twenty-Seven Hundred Dollars (\$2,700.00) is estimated to be the cost of the sanitary sewer lines.

III.

At the present time the Owner desires to develop only a part of said Willa Place Subdivision, the part now to be developed being the part thereof to be



to be served by the water and sewer lines and mains described and located as follows:

(a) Six inch (6") cast iron water mains and other pipes in Harriet Court from Woodrow Avenue eastward a distance of approximately 280 feet; and

Two inch (2") cast iron water main in Harriet Court extending from the end of the six inch (6") main a distance of approximately 110 feet.

(b) Sanitary sewer mains and other sanitary sewer pipes in Harriet Court from Woodrow Avenue easterly, approximately 250 feet.

It is agreed that the estimated cost of this part of the development will be the sum of Two Thousand Dollars (\$2,000.00), of which the sum of Thirteen Hundred Dollars (\$1,300.00) is estimated to be the cost of the water mains and lines and the sum of Seven Hundred Dollars (\$700.00) is estimated to be the cost of the sanitary sewer mains and lines.

#### IV.

As consideration for the obligations of the City of Austin herein undertaken, which are assumed for the benefit of the Owner in order to furnish water service and sewer service to him, Owner agrees to deposit the sum of Two Thousand Dollars (\$2,000.00), being the estimated cost of the water and sewer lines now to be constructed, with the City of Austin prior to the commencement of the work herein provided to be done by it.

#### V.

(a) The City of Austin agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay, and agrees to lay, the water mains and other pipes described in Paragraph III of this contract.

(b) The City of Austin agrees to furnish all labor, tools, equipment, implements, appliances, and materials necessary to lay, and agrees to lay, the sanitary sewer mains and other sewer pipes described in Paragraph III of this contract.

#### VI.

Within a reasonable time after the deposit of the sum or sums of money as provided in Paragraph IV hereof, the City of Austin agrees to commence construction of the work described in Paragraph V and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed; but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

#### VII.

The deposit provided for in Paragraph IV hereof is an estimate only of the cost of the work to be done by the City as described in Paragraph V; and it is agreed that if the actual cost of such work is less than the amount deposited by

the Owner, the City of Austin, after the work is completed and subject to the provisions of Paragraph XII and XIV hereof, will refund to the Owner the difference between the actual cost and the estimated cost of such work. But if the actual cost of such work shall exceed the amount of said deposit, Owner agrees, upon notice from the City, immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work.

#### VIII.

Immediately after completion of the work described in Paragraph V, the City of Austin will furnish to the Owner a statement of such costs, together with the date of completion of the work; and the City of Austin is hereby authorized, through its officers and agents, to note on this contract the correct figures stating the actual cost of such work and the date of completion.

#### IX.

It is agreed that, subject to the provisions of Paragraphs XII and XIV hereof, the Owner shall be reimbursed for the money deposited as provided in Paragraph IV hereof in the following manner: Within sixty (60) days after the first of January following completion of the work described in Paragraph V, the City shall pay to the Owner a sum equal to twice the gross amount of income realized by the City from the service and sale of water to customers having a direct connection with the water mains constructed as provided in Paragraph V for the period of time immediately preceding the first day of January; and within sixty (60) days after the first day of January of each succeeding year the City agrees to pay to the Owner a sum equal to twice the gross income realized by the City during the preceding calendar year from the service and sale of water from said water lines or mains to its customers having a direct connection with said water mains, until the total amount of the cost of the work provided in Paragraph V shall have been repaid; but in no event shall the City make such payment for a period of time longer than ten (10) years from the date of completion of said work as such date is noted on this contract under the provisions of Paragraph VIII.

#### X.

It is agreed that the title to all improvements to be constructed as provided herein shall be and remain in the City of Austin and the City may make such repairs, changes, and connections herewith as may be proper or necessary to the orderly conduct of its water system.

#### XI.

It is agreed that this contract is made with reference to the existing Charter and Ordinances of the City of Austin and laws of the State of Texas pertaining to all matters affecting this contract and the Owner agrees to comply with all such provisions of such laws, ordinances, and Charter.

#### XII.

It is agreed that the City of Austin may, at its option, retain all or any part of the deposits made by the Owner in compliance with Paragraphs IV and VII of this Contract and refuse to make the payments and refunds provided

for in Paragraphs VII and IX of this Contract in the event the Owner shall fail or refuse to comply substantially with any obligation lawfully imposed upon the Owner under any provision of the State laws or the Ordinances of the City of Austin regulating the platting, planning and development of subdivisions within the City of Austin.

#### XIII.

Owner agrees that within two (2) years from the date hereof he will complete or will arrange with the City of Austin for completion of all of the improvements described in Paragraph I of this Contract, in such units as may be approved by the City of Austin. Any arrangements made with the City of Austin shall be similar to the provisions of this contract for partial development, and shall be in accordance with the deposit and refund policy of the City of Austin and based on estimates of cost at the time such arrangements are made. The time within which Owner must complete or arrange for completion of all the improvements described in Paragraph I hereof may be extended from time to time by written agreement of the parties hereto or their successors, but neither party hereto shall be required to agree to such extensions of time.

#### XIV.

Until completion of all of the improvements described in Paragraph I hereof, or until arrangements for such completion have been made in accordance with Paragraph XIII hereof, the payments and refunds provided for in Paragraphs VII and IX of this contract shall be withheld by the City of Austin; but when such improvements have been completed or such arrangements for completion have been made all such payments and refunds which have then become subject to payment under the provisions of Paragraphs VII and IX hereof shall be promptly paid to Owner. Default by Owner in compliance with the provisions of Paragraph XIII hereof shall entitle the City of Austin, at its option to retain forever all or any part of the deposits made by Owner in compliance with the provisions of Paragraphs IV and VII hereof.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said Rose Kleeman has executed this instrument in duplicate, this the \_\_\_\_\_ day of January 1950.

CITY OF AUSTIN:

ATTEST:

\_\_\_\_\_  
City Clerk

By \_\_\_\_\_  
City Manager

APPROVED:

\_\_\_\_\_  
Director of Utilities

\_\_\_\_\_  
Rose Kleeman, Owner

\_\_\_\_\_  
Director of Public Works

\_\_\_\_\_  
City Attorney

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ENTERED UNDER AUTHORITY OF PARAGRAPH VIII

Actual Cost of construction \$ \_\_\_\_\_

Date of completion of work \_\_\_\_\_

CITY OF AUSTIN

By \_\_\_\_\_ "

Which motion, duly seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

The following letter to the City Council, under date, of January 11, 1950, was read:

"In an effort to secure the payment of a record number of poll taxes in Austin this year, the Public Affairs Committee of the Junior Chamber of Commerce requests your permission for use of the city fire halls during the last week of the month.

"Some forty-eight firemen--two for each shift at each of the stations, have volunteered to provide notary service and our group is seeking to secure sufficient other volunteer notaries so that even in the event of a fire call there will be at least one notary at every station to notarize the poll tax applications for prospective voters.

"By supplementing the fine work of our County Tax Assessor and Collector's office, we hope to add many thousands to the poll tax list this year.

"We also hope to have several 'Pay Your Poll Tax' booths at downtown locations on Saturday, January 28 and possibly on January 30 and 31st. If the weather permits, we would like to set up booths on the sidewalks midway between Sixth and Congress and the Sixth Street entrances of the Littlefield Building and Woolworth's 5 & 10.

"Thanks for your consideration of this matter.

(S) Bob Lusk, Chairman  
Public Affairs Committee  
Austin Junior Chamber of Commerce."

Councilman Long moved that the use of the fire halls be granted and permission for sidewalk booths at 6th and Congress Avenue be given during the last week of January as requested. The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

Councilman MacCorkle moved that the following tax appeals be heard at 11:30, January 19th, 1950; and also to hear recommendations from the Tax Board of Adjustment regarding inventories:

JACOB SCHMIDT  
OETTINGS FURNITURE COMPANY  
C. E. DYE  
K. R. MEYER  
STARR KEALHOFER

The motion, duly seconded, carried by the following vote:  
Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

Mayor Glass 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 ADDING A NEW SUBSECTION (f) TO SECTION 31 PROVIDING FOR CERTAIN FEES TO BE CHARGED FOR ZONING CHANGE APPLICATIONS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Nöes: None

The ordinance providing for building permit fees was discussed and held over for further consideration. It was thought consideration might be given to charging fees on the number of square feet under construction rather than value of the building. This was referred to Department of Public Works to submit additional information on this with regard to basing fee charges on the square feet under consideration.

The City Manager presented the following estimate on the Shoalcreek Boulevard Cut-off from Lamar Builevard to 11th Street going under 12th Street Bridge.

"It will cost approximately \$105,000.00 to construct Shoalcreek Boulevard. Cut-off under the 12th Street bridge extending from Lamar Boulevard to 11th Street. This estimate does not include the purchase of right-of-way.

"Following are the main item costs:

Pavement in creek	\$ 55,000.00
Pavement on banks	5,000.00
Retaining walls	40,000.00
Street and signal lights and alarm system	<u>5,000.00</u>
Total	\$105,000.00

Councilman MacCorkle moved that the construction of SHOAL CREEK BOULEVARD on block south to 11th Street be authorized at the lower of the two estimates, and in accordance with the original plans. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

Councilman Long stated that apparently the Council left off including representatives from the Building Trades from the proposed seven-man committee and she would like to see this group included. The Council decided that further consideration would be given to the representation to be included in the Committee to be appointed to study the revision of the Building Code.

In accordance with published notice thereof, at 10:30 o'clock A.M. Mayor Glass announced that the Council would proceed with the hearing involving the improvement of certain streets in the City, the benefits which will result to the abutting property and owners, the amount of the costs of such improvements to be assessed against the abutting property and owners, and all related matters.

The list of streets or portions of streets to be paved, beginning with Travis Heights Boulevard from Live Oak Street to Mariposa Drive, was read by Mayor Glass.

The Director of Public Works was called upon to describe the proposed paving program. He described the improvement work to be done, explaining that the paving to be installed is a permanent type, consisting of  $6\frac{1}{2}$  inches of asphalt on a 4-inch compacted base, with curbs and gutters. He further explained that property owners will be permitted under the proposed plan to pay for the improvements on a time basis, and stated that any questions concerning the details of the program would be answered by the Department of Public Works.

Two real estate men, MR. BEN E. KING and MR. PAT ADLEMAN, were called upon to make statements to the Council in connection with the proposed improvements.

Mr. Ben E. King testified that he is a real estate appraiser and has been in that business for seven years in the City of Austin, and is familiar with property values in Austin. He further testified that he had been furnished a list of the streets to be paved and a schedule showing the costs proposed to be assessed against abutting property, that he is familiar with all the property abutting upon all streets to be paved, and in his opinion each piece of property abutting on each unit to be paved will be enhanced in value more than the cost of the paving proposed to be assessed against such properties, as set out in the published notice for this hearing.

Mr. King then explained in detail the basis for his opinion and enumerated some of the reasons supporting his view.

Mr. Pat Adleman testified that he is in the real estate and general insurance business in Austin and has been in that business since April 1, 1946, and has had occasion to observe the values of property in Austin. He further testified that he had been furnished a list of the streets to be paved and a schedule of costs to be assessed, and had studied the list and has seen all the

property abutting on all the streets to be paved. He stated that in his opinion each piece of vacant property abutting on each street to be paved would be enhanced in value in excess of the amount of the cost of such paving to be assessed against such properties as set out in the published notice of this hearing, and in cases where houses or any improvements are on the property then the enhancement in value is even greater. Mr. Adleman gave numerous reasons why the property would have such an increase in value.

Mr. Bryant Collins, of Collins Construction Company, announced that his company would be ready to start the actual paving work as soon as the legal work has been done. He asked for the cooperation of the property owners in getting the individual contracts signed up as rapidly as possible. He said the Company hopes to be able to break ground by about the first of February.

Numerous owners of property abutting the streets to be improved were present and all were given an opportunity to ask questions and make statements.

MR. C. O. BOONE, 4415 Sinclair, in response to his questions, was advised of the front foot rates applicable to 30-foot streets. He also asked about the differences between the proposed pavement and the type considered for his street several years ago. It was explained that the pavement now proposed is considered to be a permanent type, whereas that considered before was cheap and temporary, requiring much maintenance. It was explained that contractors probably would not bid on the cheap temporary type in a program of this kind, where financing on a time basis must be carried by the contractor.

MR. R. A. WRAY, 4306 Sinclair, stated that the present paving was costing about four times as much as what he was required to put up when paving of his street was considered in 1937 or 1938. He said he has been in the contracting business and he knows costs have gone up, but he knew contractors would pave only small sections of streets, and would pave with inexpensive pavement. It was explained that cheap temporary pavement could not be easily financed over a term of years, during which the pavement might wear out and require much maintenance.

MR. W. M. REYNOLDS, 4000 Avenue B, stated that he owned 125 feet on Avenue B and 67½ feet on 40th Street. He asked for an obtained the amount of the proposed assessment against him and his property on each of these streets.

MR. P. S. MANGUM, of 1605 East 32nd Street, owner of property on Cherrywood Road, asked why the amount to be paid by the City was a greater part of the total cost on some streets than on others. It was explained that the City was paying the same percentage of the cost in front of private property on all streets, and that the difference referred to by MR. MANGUM resulted from the variation in the number and size of intersections which were being paid for by the City alone. Mr. Mangum stated he thought it would be better to postpone the paving of this part of Cherrywood Road until the whole street could be paved, and that he believed the people on Cherrywood Road did not care if it was ever paved. He was also afraid his taxes would be raised too much as a result of the paving.

MR. CHARLES R. BREWER, 3106 Cherrywood Road, observed that Mr. Mangum did not live on Cherrywood Road. He said he and his neighbors had been trying for years to get the street paved, and the traffic had recently increased 100%. He said in spite of Mr. Mangum's objection, he thought the people who lived on



Cherrywood Road want it paved.

MR. R. S. CRAIG, 32nd and Cherrywood Road, said he owned 170 feet on Cherrywood and 150 feet on 32nd. He agreed with Mr. Mangum in that he did not approved paving only one block. He also said the cost was too high and that he believed the cost will not be justified by enhanced value to the property unless the street is paved all the way through. Mr. Craig was advised that if the people on Cherrywood really did not want the paving there were other people who would be glad to get it.

MR. CHARLES WEYERMAN stated that he owned several lots at the south end of Travis Heights Boulevard. He objected to the paving in front of his lot at the corner, because the gates to Travis Heights are there and when they are eventually moved the pavement will have to be torn up. He was advised that study would be given to the situation described.

MR. W. P. WATTS, 1203 Trinity, in response to his questions, was advised that the unit numbers given to the streets did not indicate the order in which they would be paved. At his request the installment payment plan proposed in this program was fully described.

MR. M. D. SHELBY, 1603 West 40th Street, in response to his questions, was advised that the quality of paving to be used is higher than that used in the voluntary program of recent years. Both types were described and discussed in some detail. Mr. Shelby then observed that the type proposed for this project would support the traffic of a busy street and wanted to know why a cheaper pavement would not do on residential streets. It was explained that the cheaper types heretofore used were temporary even for light traffic and would be difficult to finance over a long period. Also, it was explained that the proposed type is the same type of pavement, but not as heavy, as that recently used on Lamar Boulevard, and that the cost was much higher for the heavy pavement used on Lamar.

MR. CHARLES HERRING, 2000 Robinhood, said he was very anxious to get his sgreet paved, and inquired what would happen if one or two owners objected. He asked if his part of the street could be paved anyway. He was advised that since the streets in this program were selected from petitions filed with the City, little objection was expected.

MR. G. V. REEVES, 621 West 35th, in response to his questions, was advised that paying cash for the work will save the 5% interest otherwise chargeable on the unpaid balance, but that there would be no discount for cash. He was also advised the City will take over maintenance when the pavement is completed and accepted by the City. Mr. Reeves wanted to know if it would be possible to negotiate with the contractor to pave additional blocks adjoining units in this project, and he was advised that so far as the City was concerned, any additional paving would have to be included in future projects.

MRS. REEVES said their property was at 35th and King Streets and that 35th was being paved in this program. She observed that if property owners in any other unit did not want the paving, the owners on King Street would be glad to get it.

MR. BURTON A. ANDERSON, 4212 Rosedale, said he had thought the present program included his street and he was very much disappointed to find that it did not. He asked that his street be paved as soon as possible.

Mayor Glass then asked if any of the others present desired to be heard, but none came forward. Councilman Johnson moved that the hearing be closed and that the City Attorney be instructed to prepare the proper assessment ordinance incorporating the findings of the City Council when made. The motion was seconded by Councilman MacCorkle and carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

The following applications for change of zoning had been advertised for public hearing this date and were heard:

C. WENDLANDT & SONS	709 Lamar Blvd.	From "B" Residential
For MRS. L. STURDIVANT		To "C" Commercial
		RECOMMENDED by the Zoning
		Board of Adjustment to
		include Lots 4-7, 9,
		12-15 (619-715 Lamar Blvd)

Councilman Johnson moved that the recommendation of the Zoning Board be upheld and the change granted, and that the City Attorney be instructed to draw up the necessary ordinance. The motion seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

E. M. VanDYKE	913 E. 12th	From "B" Residential
		To "C" Commercial
		RECOMMENDED BY THE ZONING
		BOARD

MRS. E. M. VanDYKE appeared in behalf of this request stating she would like to have an annex for a business school. She is the director of a business school and did not want to have a zone to sell beer or wine. MISS E. VEGA, 1009 E. 12th, did not object to the change as long as there was no beer sold. MISS MARY LEE GRAHAM, 1212 E. 12th inquired as to whether or not this change of zone would increase her taxes. There were assured this was a commercial zone request and would not increase their taxes, and that other commercial buildings could not be constructed unless a change of zone were granted. Councilman Drake moved that the recommendation of the Zoning Board be upheld and the requested change granted, and that the City Attorney be instructed to draw up the necessary ordinance. The motion seconded by Councilman Long carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

There being no further business, upon motion by Councilman Johnson seconded by Councilman Drake, the meeting adjourned. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass  
Noes: None

APPROVED:

  
Mayor

ATTEST:

  
City Clerk