

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 6, 1952
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Drake presiding.

Roll Call:

Present: Councilmen Johnson, MacCorkle, White, Mayor Drake
Absent: Councilman Long

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

Councilman Johnson moved that the Minutes of the previous meeting be approved. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, MacCorkle, White, Mayor Drake
Noes: None
Absent: Councilman Long

The Senior Civics Class and two Boy Scouts, working on their Merit Badges, were greeted and welcomed by the Council.

MR. CURTIS MOSTELLER submitted six questions pertaining to traffic control signals on Red River and 15th; East 7th and Chicon and East 7th and Webberville Road; East Avenue on 6th and 7th Streets and Red River on 6th and 7th Streets; on Guadalupe and West 5th; and San Jacinto at 11th Street. He stated 48% of the parking spaces had been lost on Guadalupe by parallel parking. He noted the misleading signs of "signals set at 33 mph" had been removed on Congress Avenue. He stated some of the control signals were out of step.

Councilman White moved that the following application for change of zone be set for public hearing on April 10, 1952:

WALTER R. SNOW	2519 South 1st Street and additional property as recommended by the Zoning Board. (Approximately 1 acre out of Lot 12, Live Oak Grove Addition, as recorded in Book "Z", page 615, of the Deed Records of Travis County Texas)	From "A" Residence To "C" Commercial RECOMMENDED by the Zoning Board to include additional property.
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The motion, seconded by Councilman MacCorkle, carried by the following vote:
Ayes: Councilmen Johnson, MacCorkle, White, Mayor Drake
Noes: None
Absent: Councilman Long

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

FREDERICK EBY, JR.	2803 Cole Street & 2800 East Avenue	From "B" Residence To "C" Commercial
MRS. CHARLES D. SAWYER	1518 Rosewood Avenue	From "C-1" Commercial To "C-2" Commercial
R. T. McALISTER	1111 Chicon Street	From "C" Commercial To "C-1" Commercial

The City Attorney explained a quit-claim deed on some property as being requested to clear title on a released water easement granted to Water Control District No. 2. He stated the easement provided if the lines were removed that the title would revert, and the easement would cease to exist. The lines have been removed, but there is nothing in the record to show that; and to clear the title, the attorneys would like to have this quitclaim deed.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be and he is hereby authorized to execute on behalf of the City of Austin a quitclaim deed to the following described real property:

The south 24' of: Lots Nos. 1 through 6, inclusive in Block No. 2; Lots Nos. 1 through 15, inclusive, in Block No. 5; Lots Nos. 1 through 9, inclusive, in Block No. 8; Lots Nos. 1 through 15 in Block No. 11; and Lots Nos. 1 through 10, inclusive, in Block No. 14, all in Crestview Addition; Section One, a subdivision of a portion of the George W. Spear League, according to the map or plat of record in Plat Book 4, Page 355, Travis County Plat Records,

to the record owners of such properties.

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

Ayes: Councilmen Johnson, MacCorkle, White, Mayor Drake

Noes: None

Absent: Councilman Long

Public hearing on the improvements of West 5th and West 7th was held. Mr. C. G. Levander, the Director of Public Works of the City of Austin, briefly described the improvements proposed to be constructed by the City, and explained that the construction would be paid for in part by the City and in part by an assessment against the abutting property and the owners thereof.

Mr. W. T. Williams, Jr., the City Attorney, pointed out to the Council that a notice of the hearing had been published in the newspaper as required bylaw and that in such notice there is a schedule of the rates per front foot to be assessed against the abutting property and its owners on the various portions of streets involved if the Council adopts the plan as proposed.

The Minister of the Cumberland Presbyterian Church which is located upon one of the portions of streets to be improved, appeared and told the Council that his church would prefer that West 7th Street not be widened in front of the Church property because such widening would put the traffic ten feet (10') closer to the Church building. He further stated that the Church had no objection to the improvements except that it would not benefit the Church and that the Church might have difficulty raising funds to pay the assessment.

The Mayor then asked if there were any other parties present who desired to be heard on any matter in connection with the improvements under consideration, but there being no other persons present who wished to be heard as such hearing, Councilman MacCorkle moved that the hearing be closed and instruct the City Attorney to prepare the necessary ordinance. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, MacCorkle, White, Mayor Drake

Noes: None

Absent: Councilman Long

The Mayor announced that the hearing was closed and directed the City Attorney to prepare an Ordinance incorporating the findings of the City Council when made.

Councilman MacCorkle offered the following resolution and moved its adoption:
(RESOLUTION)

WHEREAS, by Ordinance duly passed on January 24, 1952, and recorded in Book "R", pages 4 through 7, inclusive, of the Ordinance Records of the City of Austin, the City Council ordered the permanent improvement of certain portions of public streets designated therein, by widening such streets ten feet (10') on the side or sides of such streets indicated in such Ordinance, such widening to include the excavating, grading and paving of the same, the installation of drainage facilities therein, and the construction of curbs and gutters where adequate curbs and gutters are not now in place, all in accordance with plans and specifications on file with and approved by the City Council; and

WHEREAS, pursuant to such Ordinance the City Manager advertised for bids for construction of such improvements, and bids were received and opened and the bid of John Andrews being the lowest and best responsible bid, the contract for the construction of such improvements has been awarded by the City Council to the said John Andrews; and,

WHEREAS, the Director of Public Works has estimated that the part of the contract price for such work to be paid by the City of Austin is the sum of Three Thousand Five Hundred Dollars (\$3,500); Now, Therefore,

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

That the sum of Three Thousand Five Hundred Dollars (\$3,500) be and the same is hereby appropriated from General Funds of the City set apart in the current budget for street improvements to defray the cost of construction under such contract which is to be paid by the City of Austin.

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

Ayes: Councilmen Johnson, MacCorkle, White, Mayor Drake
Noes: None
Absent: Councilman Long

The following recommendation from the Park and Recreation Board, dated March 5, 1952, was received by the Council:

"The Park and Recreation Board in its regular meeting, February 28, 1952, agreed to request the City Council to give the Park and Recreation Board an opportunity to study the suitability of land given the City of Austin for park and recreational purposes by subdividers. It is believed that some land has been given which is not suitable for park purposes although it may be valuable for the City to control the land for utility purposes.

"If the City Council feels that this is a reasonable request and is interested in the Board's making recommendations, it is suggested that the City Planning Commission be so notified."

(S) Frank D. Quinn, Chairman
PARK AND RECREATION BOARD

The City Manager stated a list of all such property was available and would be given to the Board for its recommendation.

The Council received the following recommendation from the Park and Recreation Board, dated February 29, 1952:

"The Park and Recreation Board at its regular meeting, February 28, 1952, passed a motion recommending to the City Council, that the City Council purchase the Cannizzo Tract, south of Zilker School for park and playground purposes.

"This decision was made after hearing from the Zilker School P.T.A., and an inspection of the property by Mr. W. T. Caswell and Dr. D. K. Brace.

"Present and Voting:

Ayes: Mr. Frank D. Quinn, Mr. Nash Moreno, Mrs. Alden Davis, Mrs. R. N. Lewis, Dr. D. K. Brace

Not Present But Voting By Phone: Mr. M. D. Mosteller, Mr. W. T. Caswell

Nays: None

(S) Frank D. Quinn, Chairman
PARK AND RECREATION BOARD "

FDQ:SB

The recommendation from the Recreation Board regarding the French Embassy was placed in the Council Basket on the Mayor's desk so each member could read it at a convenient time.

Councilman MacCorkle inquired about the progress of the Wilshire Boulevard Park. The City Manager reported this park was on the design board now, getting it laid out for the Park and Recreation Board. He stated the area was being cleaned up and cleared, and that a temporary ball field had been put in. Later in the meeting MR. KENT RIDER appeared in the interest of this park.

Councilman MacCorkle inquired about the ordinance setting up the separate Tax Department, particularly the statement "All payments of taxes and fees shall be made to Cashiers of the Finance Department assigned for the purpose, and shall be distributed by the Finance Department on behalf of the City Tax Assessor and Collector". The City Attorney stated it provided for the responsibility of the Tax Assessor and Collector for collection and the responsibility of the Director of Finance to distribute the funds. He stated this followed the procedure as is now being carried out. The City Manager stated the Auditor had recommended a centralized system of collections, and this would be in line with his recommendation.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Yarbrough Construction Company is the Contractor for the alteration of a building located at 1313 Lavaca Street and desires a portion of the sidewalk and street space abutting the north 49 feet of Lots 8 and 9, Block 158, 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 Yarbrough Construction Company, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of the above described property; thence in a northerly direction and at right angles to the centerline of West 14th Street to a point 12 feet north of the south curb line; thence in a westerly direction and parallel with the centerline of West 14th Street approximately 90 feet to a point; thence in a southerly direction and at right angles to the centerline of West 14th Street to the northwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of Lavaca Street to a point 4 feet west of the east curb line; thence in a southerly direction and parallel with the centerline of Lavaca Street approximately 48 feet to a point; thence in an easterly direction and at right angles to the centerline of Lavaca Street to the southwest corner of the above described property.

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

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

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

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

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

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

(6). That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction 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 of 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 July 1, 1952.

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

(11). That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part of all said space any time with its public utilities, or for other necessary public purposes.

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

(13). That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00), 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 occupancy of the space.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Johnson, MacCorkle, White, Mayor Drake
Noes: None
Absent: Councilman Long

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, G. F. B. Construction Company is the Contractor for the alteration located at 906 Congress Avenue and desires a portion of the sidewalk and street space abutting on the north $\frac{1}{2}$ of Lot 2, Block 110, 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 G. F. B. Construction Company, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of the above described property; thence in an easterly direction and at right angles of the centerline of Congress Avenue approximately 4 feet to a point; thence in a southerly direction and parallel with the centerline of Congress Avenue approximately 23 feet to a point; thence in a westerly direction and at right angles to the centerline of Congress Avenue to the southeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said G. F. B. Construction Company, 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 build 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 two parking meter spaces for the delivery or removal of materials during construction work.

(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 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 May 1, 1952.

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

(11). That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

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

(13). That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00), 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 occupancy of the space.

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

Ayes: Councilmen Johnson, MacCorkle, White, Mayor Drake

Noes: None

Absent: Councilman Long

Mayor Drake introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "D" INDUSTRIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON "LAMAR VILLAGE" SUBDIVISION, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Johnson 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 Johnson, MacCorkle, White, Mayor Drake
Noes: None
Absent: Councilman Long

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

Ayes: Councilmen Johnson, MacCorkle, White, Mayor Drake
Noes: None
Absent: Councilman Long

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

Ayes: Councilmen Johnson, MacCorkle, White, Mayor Drake
Noes: None
Absent: Councilman Long

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

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on the 12th day of October, 1940, by instrument recorded in Volume 659, page 561, of the Deed Records of Travis County, Texas, S. J.

Larson granted to the City of Austin an easement and right of way for an electric transmission and/or distribution line, consisting of variable number of wires, and all necessary or desirable appurtenances (including towers, H-Frames or poles made of wood, metal or other materials, telephone and telegraph wire, props and guys,) over, across and upon a tract of land located in Travis County, Texas, and being the tract of land in the Wilkenson-Sparks and David Thomas Surveys, which is described in a deed recorded in Volume 197, at page 433, of the Deed Records of Travis County, Texas; and

WHEREAS, the portion of said easement hereinafter described 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 the portion of such easement as follows:

Ten (10) acres of land described by metes and bounds as follows:

9.85 acres being a portion of the David Thomas Survey #1 and .15 of an acre, being a portion of the Wilkenson-Sparks Survey #4 in Travis County, Texas, and being a portion of the said David Thomas Survey #1 and the Wilkenson-Sparks Survey #4, in Travis County, Texas, as described in a deed from Agnes Powers, Elenora Zimmerman and husband, G. F. Zimmerman to S. J. Larson, as recorded in Book 497, pages 433-437, Travis County Deed Records, as prepared by the Metcalfe Engineering Company on January 11, 1952;

BEGINNING at a point for the most northerly corner of this tract, said point being 443.7 feet S. $55^{\circ} 44'$ E. from an old rock mound at the southeast corner of the William Brown Survey #2 and the northeast corner of the T. H. Duggan Survey in Travis County, Texas, and from which rock mound a Live Oak 7" in diameter marked X bears S. $22^{\circ} 40'$ W. 18.0 varas (50.0) feet) and a Live Oak 8" in diameter marked X bears S. $11^{\circ} 10'$ W. 4.5 varas (12.5 feet) said rock mound being also in the west line of the David Thomas Survey #1 as described in a deed from Agnes Powers, Elenora Zimmerman and husband, G. F. Zimmerman to S. J. Larson, as recorded in Book 497, pages 433-437, Travis County Deed Records.

THENCE S. $49^{\circ} 44'$ E. at about 915.0 feet, more or less, crossing the east line of the David Thomas Survey #1 and the west line of the Wilkenson-Sparks Survey #4 in all 1039.24 feet to a point for the most easterly corner of this tract;

THENCE S. $83^{\circ} 16'$ W. at about 150.0 feet, more or less, crossing the west line of the Wilkenson-Sparks Survey #4 and the east line of the David Thomas Survey #1, in all 533.25 feet to a point for corner;

THENCE S. 8° 50'W. 282.04 feet to a point for corner;

THENCE N. 81° 10'W. at 140.48 feet passing the center-line of a road easement, in all 372.98 feet to a point for corner;

THENCE N. 8° 50'E. 967.08 feet to the place of beginning.

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

Ayes: Councilmen Johnson, MacCorkle, White, Mayor Drake

Noes: None

Absent: Councilman Long

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 enter into and execute in behalf of the City of Austin one certain written license agreement between said City of Austin and the Texas and New Orleans Railroad Company, for the construction, ownership, maintenance and use of two certain thirty inch (30") concrete pipe culverts extending from the south end of said Railroad Company's forty-two inch (42") culvert No. 113.02 to the south line of said Railroad Company's property in the City of Austin, Travis County, Texas, as more particularly set out in said agreement to which reference is made the same as if fully set out herein.

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

Ayes: Councilmen Johnson, MacCorkle, White, Mayor Drake

Noes: None

Absent: Councilman Long

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the erection of a private boat dock on the property owned by George S. Nalle, Jr., as described in the Travis County Deed Records on a piece of property abutting Lake Austin, downstream from Austin Municipal Park and on the opposite bank, and hereby authorizes the said George S. Nalle, Jr., to construct, maintain and operate this private boat dock subject to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this private boat dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and

health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said George S. Nalle, Jr. has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"March 6, 1952.

"Mr. Walter E. Seaholm
City Manager
Austin, Texas

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application of George S. Nalle, Jr., owner of a piece of property abutting Lake Austin, downstream from Austin Municipal Park and on the opposite bank, and listed in the Travis County Deed Records, for permission to construct and maintain a private boat dock projecting out into Lake Austin not more than 50 feet.

"I recommend that George S. Nalle, Jr., be granted permission to construct and maintain said private boat dock subject to the following conditions:

"(1). That nothing but creosoted or cedar piles and heavy iron bolts or concrete be used in the construction of this pier, dock or wharf.

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

"(3). That no structure shall extend into Lake Austin more than fifty (50) feet beyond normal high water or more than one-third the distance from shore to shore at point where structure is located, and not nearer than ten (10) feet to the side property or lease line.

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

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

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

Ayes: Councilmen Johnson, MacCorkle, White, Mayor Drake

Noes: None

Absent: Councilman Long

Councilman White 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 a contract on behalf of the City of Austin with Clayton Malone, in accordance with the terms and provisions of a certain contract, copy of which is attached to this Resolution, and marked by the City Clerk for purposes of identification, and the City Clerk is hereby directed to file for permanent record in the office of the City Clerk the attached copy of said contract without recordation in the Minutes of the City Council. (On File Under PROPERTY - Sale Of - Contract No. 570-C)

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

Ayes: Councilmen Johnson, MacCorkle, White, Mayor Drake

Noes: None

Absent: Councilman Long

Councilman MacCorkle 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 execute a quitclaim deed in behalf of the City of Austin, quitclaiming to Burt McDonald the following described tract of land:

Ten and one-fourth (10 1/4) acres of land,
Abstract No. 697, Survey No. 7, George W.
Spear Original Grantee, City of Austin, Travis
County, Texas.

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

Ayes: Councilmen Johnson, MacCorkle, White, Mayor Drake

Noes: None

Absent: Councilman Long

No action was taken on the ordinance setting up a separate Tax Department, and this matter was placed on the agenda for the following week.

The City Manager presented the following certificate from the Tax Assessor and Collector:

March 5, 1952

TO THE MAYOR AND CITY COUNCIL:

I certify that the tax assessment against the Lone Star Gas Company for Govalle School District for the year 1951 is incorrect because of erroneous information as follows:

The Lone Star Gas Company's 1951 declaration of assessable value for gas service equipment within Govalle School District at \$720 erroneously included an assessed value of \$420 that pertained to gas service equipment located within the city proper. The regular city taxes have been paid on the \$420 valuation.

I recommend that I be authorized to adjust the assessed value of \$720 to \$300 on the gas service equipment of the Lone Star Gas Company in Govalle School District for 1951.

(S) T. B. Marshall
City Tax Assessor & Collector

Councilman Johnson then offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the city Tax Assessor and Collector has made a special investigation of the tax assessments hereinafter set forth, and has found the same to be incorrect for the reasons stated in his certificate delivered to the City Council and filed with the City Clerk; and

WHEREAS, in such certificate the City Tax Assessor and Collector has recommended the adjustments in assessed value hereinafter indicated for said assessments, Now Therefore,

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

That the following tax assessments for the years shown be and the same are hereby adjusted and corrected to fix the assessed value therein as indicated:

<u>Year</u>	<u>Description of Property</u>	<u>Original Assessment</u>	<u>Adjusted Assessment</u>
1951	Gas Service Equipment	\$720	\$300

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Johnson, MacCorkle, White, Mayor Drake
Noes: None
Absent: Councilman Long

The City Manager presented the following certificate from the Tax Assessor and Collector:

March 4, 1952

TO THE MAYOR AND CITY COUNCIL:

I certify that the tax assessment against the Owl Taxi Service on the tax roll for the year 1951 is incorrect because of erroneous information as follows:

The furniture, fixtures, machinery and equipment was purchased by the present owners at a cost of \$8,000, according to the Bill of Sale submitted to the Tax Department. Included in this purchase price were two 1950 Ford 4 Door Sedans with an average market value of \$2,750 for both of them. The Owl Taxi Service was assessed at a value of \$5,550, which was intended to include the value of the automobiles. The Tax Department, however, picked up the automobiles from the registration list and charged them separately, thereby creating a double assessment on the cars.

I recommend that I be authorized to deduct the market value of the two automobiles from the original purchase price of \$8,000 and adjust the assessment to \$3,500 which is two-thirds of the adjusted figure for the furniture, fixtures, machinery and equipment, leaving the automobiles to be collected as assessed.

(S) T. B. Marshall
City Tax Assessor & Collector

Councilman Johnson then offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Tax Assessor and Collector has made a special investigation of the tax assessments hereinafter set forth, and has found the same to be incorrect for the reasons stated in his certificate delivered to the City Council and filed with the City Clerk; and

WHEREAS, in such certificate the City Tax Assessor and Collector has recommended the adjustments in assessed value hereinafter indicated for said assessments, Now Therefore,

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

That the following tax assessments for the years shown be and the same are hereby adjusted and corrected to fix the assessed values therein as indicated:

<u>Year</u>	<u>Description of Property</u>	<u>Original Assessment</u>	<u>Adjusted Assesement</u>
1951	Furniture, Fixtures, Machinery & Equipment	\$5,550	\$3,500
1951	Two 1950 Ford 4 Door Sedans	\$1,040	\$1,040

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Johnson, MacCorkle, White, Mayor Drake
Noes: None
Absent: Councilman Long

The City Manager presented the following certificate from the Tax Assessor and Collector:

March 3, 1952

TO THE MAYOR AND CITY COUNCIL:

I certify that the tax assessments against Lots 4, 5, and 6, Block 9, Hyde Park No. 2, Plat 78, Item 62, in the name of The Hyde Park Presbyterian Church on the tax rolls for the years 1946, 1947, and 1948, are incorrect because of erroneous information as follows:

These lots, which are adjoining to the Hyde Park Presbyterian Church were purchased on November 17, 1945. According to a letter submitted by Mr. W. T. Sexton, Chairman of the Board of Trustees, the property has been used, since its purchase, exclusively for religious purposes. It is now the site of the manse, which was built in 1948.

I recommend that I be authorized to remove such assessments from the tax rolls.

(S) T. B. Marshall
City Tax Assessor & Collector

Councilman Johnson then offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Tax Assessor and Collector has made a special investigation of the tax assessments hereinafter set forth, and has found the same to be incorrect for the reasons stated in his certificate delivered to the City Council and filed with the City Clerk; and

WHEREAS, in such certificate the City Tax Assessor and Collector has recommended the adjustments in assessed value hereinafter indicated for said assessments, Now Therefore,

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

That the following tax assessments for the years shown be and the same are hereby adjusted and corrected to fix the assessed values therein as indicated:

<u>Year</u>	<u>Description of Property</u>	<u>Original Assessment</u>	<u>Adjusted Assessment</u>
1946	Lots 4, 5, and 6, Block 9, Hyde Park No. 2, Plat 78 Item 62	\$600	-0-
1947	Ditto	\$690	-0-
1948	Ditto	\$690	-0-

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

Ayes: Councilmen Johnson, MacCorkle, White, Mayor Drake

Noes: None

Absent: Councilman Long

Councilman MacCorkle made an inquiry about the turn over in employment, stating it looked like about 50%, and he thought that was rather costly. A report was made that the total employment was 1950, with 979 separations; but out of the 979, 170 separations were due to work completions. The City Manager stated some of the separations were due to resignations for jobs paying more money. He stated the Personnel Director is again going to make another comparison of other cities. A state-wide study had been made just recently, but another study will soon be under way. The City Manager stated he would prepare a report showing the breakdown of total employment and separations in each department.

The City Manager stated negotiations had been carried on with Mr. WINKLEY, the Community Water Company, and they arrived at a figure of \$11,000. He recommended to the Council that the City pay the \$11,000 and take over the 104 customers that are served by the water system. He stated in due time the system would be mostly rebuilt, but that some of it had a salvage value. He stated the whole system would have to be enlarged, primarily for fire protection. After full discussion, Councilman Johnson moved that the City Manager be instructed to enter into a purchase agreement with Mr. Winkely, the Community Water Company for \$11,000. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, MacCorkle, White, Mayor Drake

Noes: None

Absent: Councilman Long

There being no further business, the Council adjourned subject to the call of the Mayor.

APPROVED: W. S. Drake

Mayor

ATTEST:

Elmer Rossley
City Clerk