

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 14, 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. JOHN LANCASTER, First Southern Presbyterian Church.

Councilman Thompson moved that the Minutes of the Meeting of January 7th be approved. The motion, seconded by Councilman White, carried by the following vote:

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

Councilman Thompson moved that the Minutes of the Special Meeting of January 11th be approved. The motion, seconded by Councilman Long, carried by the following vote:

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

MR. M. H. CROCKETT complimented the Council on its calling an election to vote bonds.

MR. T. N. GRIFFIN 3703 Munson, who had been in the City Limits two years, felt he had not had any benefits from his city taxes. He had no fire plugs, or street markers, and the streets were torn up. The Mayor told him one of the reasons the Council submitted the bond issue was to take care of some of these things in the new areas. Councilman Thompson inquired specifically if the projects outlined included fire plugs, water lines in Govalle. The City Manager

stated adequate fire protection definitely would be provided. Councilman Thompson suggested, since no street repairs were included in this bond issue, that the Street Department give some specific consideration to surveying the streets in these areas that have been brought in recently and try to work them into a plan for street repairs. Councilman Long asked if there wasn't a large sewer line and water line planned in Govalle and East Austin. The City Manager stated there was. Councilman White had complaints in the southwest part of Austin around Redd Street about chug holes in the streets.

The Mayor made the following statement for the record:

"I want to pause here in the Council proceedings to say something for the record about the Water and Light bond issues submitted by the Council.

"Some of us have been asked this question: "Are the revenues of the Water and Light Fund enough to pay off these Bond Issues?"

"The answer is "Yes"; emphatically "Yes". In fact, the estimated net revenues for the next ten years at the present rates are four times the amount required to pay off the bonds due in these years.

"Look at it this way. We are submitting the bond issues because increased consumption of water and electricity over burdens our plant. The increases are continuing, and will continue.

"Increased consumption means increased "Net Revenue".

"The bonds will be paid out of "Net Revenue", That means, out of money left in the bank after all water and light and sewer operating expenses are paid.

"I'll illustrate. Let's take 1955, because all the bonds probably will have been sold by that year. The "Net Revenue" estimated for 1955 will be about \$5,100,000. In that year we'll owe \$1,000,000 on the principal of the bonds, and about \$400,000 to \$450,000 interest, depending on whether we can sell the bonds for 2 per cent or for 2 1/4. We won't have to go any higher.

"Take the bigger figure, to be safe. We may have to use \$1,450,000 servicing the Water and Light bond issue in 1955. But we have \$5,100,000 net revenue in prospect. We'll have \$3,650,000 or more left for connecting up new homes and for transfer to the City's General Fund.

"The "Net Revenue" has been estimated for each of the next ten years. The figures are on file at the City Hall. I won't read them all out, but I'll add them up.

"In the next ten years, we expect the "Net Revenue" of the Water and Light Fund to be approximately \$60,000,000. In this time, we shall have to pay \$10,000,000 on the principal of all the Water and Light bonds, and about \$3,500,000 interest. Subtract these figures from \$60,000,000 and you find we shall have \$46,500,000 left to the City after all the bond charges have been paid.

"Speaking technically, we have a Net Revenue ratio of four to one over our debt requirements.

"This has some big figures in it, and may sound complicated. I've tried to make the facts plain, because I want to be honest with the people. I want them to understand that it is right and to their interest to vote for these bond issues on January 30."

Councilman Long inquired if this \$21, million would be all that is to be spent in the next ten years. The Mayor stated that would be up to the Councils.

The Mayor announced a public meeting Wednesday, January 20th, 7:30 P. M. in the Council room to discuss and answer any questions regarding the bond issue.

In accordance with the published notice thereof, at 10:30 o'clock A. M. it was announced that the Council would proceed with the hearing involving the improvement of certain streets in the City, the benefits which would 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 City Attorney opened the hearing with the statement that this was a hearing on the proposed improvement of Jefferson Street from 35th to Bull Creek Road; Bull Creek Road from Jefferson to Hancock Drive, except for the portion already paved through Highland Park; and Oakmont Boulevard from 39th to 40th Street.

The Director of Public Works described the nature of the improvements and explained the manner of payment.

MR. JOE CROW, Real Estate Man, familiar with the values of property in Austin, stated he had had occasion to observe values of property on paved and unpaved streets and was in a position to form an opinion as to the enhancement in value that would result to properties abutting the streets from the pavement of the street; that he had looked over the planned improvements of these streets, and it was his opinion that those properties would be enhanced in value by the amount of paving costs which are proposed to be assessed against the abutting owners.

MR. R. G. MUELLER asked for more city participation in his case, asking that the City pave as intersections, locations where he planned to open streets in his subdivision, or to pass on to the property owners the savings from a cash plan over the usual assessment plan. The City Attorney explained adjustments and credit allowed Mr. Mueller.

MRS. HARRY ULIT did not object to the paving of her property on Bull Creek Road and West 39th Street but did not want to be assessed on a thoroughfare basis. The City Attorney explained credits given in her case.

Mayor McAden introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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

In this connection, Councilman Long did not want the passage of this ordinance to mean setting a policy on this type of paving program. Councilman

White asked a further study of curbing and gutter costs. In discussion of the costs of curbs and gutters, Councilman Long suggested that the property owners on East 19th be notified to get busy and put in their own curbs and gutters. Councilman Thompson inquired as to the possibility of putting in curbs and gutters in short lengths cheaper than a contractor could put them in for blocks. Councilman Pearson cited cases where individuals had contracted their own curbs and gutters, and it had not worked out satisfactorily.

Pursuant to published notice the Council publicly heard the following zoning applications:

R. G. MUELLER	1700-04 West 35th Street	From "C" Commercial To "C-1" Commercial RECOMMENDED in part only by the Planning Commission
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Dr. William Shive, Mrs. Preston Craig, Mr. Ted Wykosky, and Mr. Cecil Rotsch expressed opposition to this change and included in their protest the sale of beer at the location at 3406 Jefferson Street, referring to a petition bearing signatures of 2/3 of all the property owners within 200-300'. Councilman Thompson moved that action on the zoning of this property be deferred for one month. The motion, seconded by Councilman Long, carried by the following vote:

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

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S. Z. SKINNER	3000 Blk. Camp Mabry	From "A" Residence To "C" Commercial NOT Recommended by the Planning Commission
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Mr. S. Z. Skinner appeared on behalf of his application. Mr. and Mrs. Richard Lewis, 4605 Horseshoe Bend and Mr. Pat Gillispie, 4600 Highland Terrace, appeared opposing this change. The Mayor asked that those who favored upholding the recommendation of the Planning Commission and denying the change to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilmen Long, Pearson, Thompson, White  
Noes: None  
Present but not voting: Mayor McAden

The Mayor announced that the requested change had been denied.

In connection with S. Z. Skinner's request, Councilman Thompson moved that the City Manager be asked to present formally any claims Mr. Skinner has against this City next Thursday, so the Council can either deny them or grant them. The motion, seconded by Councilman Pearson, carried by the following vote:

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

JUNIE C. & WOODROW W.  
KNAPE

1009 & 1023 E. 53rd St.  
5200 -06 Interregional  
Highway

From "A" Residence  
To "C" Commercial  
NOT Recommended by the  
Planning Commission

The Mayor asked that those who favored upholding the recommendation of the Planning Commission and denying the change to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilmen Pearson, Thompson, White, Mayor McAden  
Noes: None  
Present but not voting: Councilman Long  
The Mayor announced that the requested change had been denied.

MAX A. BACHOFEN

1011 & 1013 E. 51st St.

From "A" Residence  
To "C" Commercial  
NOT Recommended by the  
Planning Commission

Mr. Max A. Bachofen appeared on behalf of his application. Mr. E. J. Skoog and Mr. G. S. Fullerton appeared opposing this change. A petition was filed signed by approximately 25 citizens asking the Council not to grant any change in the zoning of this property. The Council deferred action on this application for one week.

TOM SALUDIS

319 South Lamar Blvd.

From "C-1" Commercial  
To "C-2" Commercial  
RECOMMENDED 6th Height  
and Area by the  
Planning Commission

The Mayor asked that those who favored upholding the recommendation of the Plan Commission to vote "aye"; those opposed to vote "no". Roll Call showed the following :

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

The Mayor announced that the requested change had been granted and the ordinance would be drawn to cover.

WATT SCHIEFFER

5300-5700 Blks. Inter-  
regional Highway

From "A" Residence  
To "C" Commercial  
RECOMMENDED by the  
Planning Commission

Mr. Watt Schieffer appeared on behalf of his application. Mr. W. K. Chapman appeared opposing this change. Councilman Long moved that the Council change the Schieffer property to "C" Commercial and 6th Height and Area. The

motion, seconded by Councilman Thompson, carried by the following vote:

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

The Mayor announced that the requested change had been granted and the ordinance would be drawn to cover.

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MACE B. THURMAN, JR.,	5600-5700 Blks.	From "A" Residence
J.T. HEWLETT & R. L.	Interregional	To "C" Commercial
RHODES	Highway	RECOMMENDED by the Planning Commission

Councilman Long moved that the Council change the Thurman, Hewlett and Rhodes property to "C" Commercial and 6th Height and Area. The motion, seconded by Councilman Thompson, carried by the following vote:

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

The Mayor announced that the requested change had been granted and the ordinance would be drawn to cover.

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Mayor McAden 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 "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT ON A PORTION OF LOT 28, WALLING PLACE, LOCALLY KNOWN AS 4900 BURNET ROAD IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS AND HEIGHT AND AREA MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

The Mayor announced the ordinance had been finally passed.

Mayor McAden introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING A PORTION OF 42ND STREET LYING WEST OF THE WEST LINE OF SHOALWOOD AVENUE AND EAST OF THE WEST LINE OF ROSEDALE "E", AS SHOWN ON A MAP OR PLAT OF SAID ROSEDALE "E" IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, WHICH PLAT IS OF RECORD IN BOOK 3, PAGE 245, PLAT RECORDS OF TRAVIS COUNTY, TEXAS; RETAINING A SANITARY SEWER LINE EASEMENT AND AN ELECTRIC AND TELEPHONE POLE LINE EASEMENT IN PORTIONS THEREOF; AND SUSPENDING THE ORDINANCE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

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

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

The Mayor announced the ordinance had been finally passed.



Mayor McAden introduced the following ordinance:

AN ORDINANCE REQUIRING ALL LOCOMOTIVES AND OTHER VEHICLES TRAVELING UPON STATIONARY RAILS ACROSS SPRINGDALE ROAD TO STOP UNDER CERTAIN CONDITIONS BEFORE ENTERING SAID SPRINGDALE ROAD; PRESCRIBING PENALTIES AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the ordinance be passed to its second reading. The motion, seconded by Councilman 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, at the time the City of Austin purchased Lot 1, Block 1, Outlot 14, of Fruth Addition, which is commonly known as 2701 North Guadalupe, an unexpired two-year term lease existed on a portion of said lot; and

WHEREAS, under the terms of said lease agreement, the Lessee, Jack L. Branum, cannot assign his interest without written consent of Lessor but now desires to assign same to Jack T. Brown; and

WHEREAS, said Jack T. Brown desires to change the term of the lease to a month to month basis; and

WHEREAS, the approval of such assignment and change of term of such lease has been recommended by the City Manager; 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 approve the assignment of said Lessee's interest by Jack L. Branum to Jack T. Brown, and be it further resolved that W. E. Seaholm, City Manager, be and he is hereby authorized and directed to execute an agreement on behalf of the City of Austin altering the terms of said lease to a month to month basis.

The motion, seconded by Councilman Thompson, 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 A PORTION OF SHOAL CREEK BOULEVARD LYING SOUTH OF WEST 42ND STREET AND WEST OF SHOALWOOD AVENUE, AS SHOWN ON A MAP OR PLAT OF MCGUIRE'S SUBDIVISION NO 1, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, WHICH PLAT IS OF RECORD IN BOOK 4, PAGE 55, PLAT RECORDS

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

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

The Mayor announced the ordinance had been finally passed.

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the property situated on the North side of west 1st St., which property is leased by the Transmix Concrete Corp., and is designated as part of the I. & G. N. Railway property located in Outlot No. 11, Division 2 of the City of Austin, Travis County, Texas, and hereby authorizes the said Transmix Concrete Corp. to operate a private gasoline plant consisting of two 5,000 gallon tanks and electric pumps for the sole purpose of servicing their own motor and plant equipment, and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted, subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Transmix Concrete Corp. has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas  
January 14, 1954

"Walter E. Seaholm  
City Manager  
Austin, Texas

"Dear Sir:

"I, the undersigned, have considered the application of Transmix Concrete Corp. through J. E. Motheral, President, for permission to operate a private gasoline plant consisting of two 5,000 gal. underground tanks and gasoline pumps for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the north side of West 1st St., which property is designated as part of the I & G. N. property in Outlot No. 11 in Division Z in the City of Austin, Travis County, Texas, and locally known as 816 West 1st St.

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

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

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

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

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

"Respectfully submitted,  
J. C. Eckert  
Building Inspector"

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves as a filling

station site the property located on the east side of Airport Boulevard and south of Gunter Street which property fronts 190 feet on Airport Boulevard and being out of Outlot 56, Division "A" of the Government Outlots adjoining the original City of Austin, Travis County, Texas, and hereby authorizes the said Richard Kouri to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same being constructed in compliance with all ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper Police, Traffic and Fire regulations; and the right of revocation is retained, if, after hearing, it is found by the City Council that the said Richard Kouri has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"January 14, 1954

"Mr. Walter Seaholm  
City Manager  
Austin, Texas

"Dear Sir:

"We, the undersigned, have considered the application of Richard Kouri for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon the property located on the east side of Airport Boulevard and south of Gunter Street, which property fronts 190 feet on Airport Boulevard and being out of Outlot 56 Division "A" of the Government Outlots adjoining the Original City of Austin, Travis County, Texas and the property upon which this filling station is to be located is owned by Richard Kouri and we hereby advise that the following conditions exist:

"The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

"All drainage, natural or otherwise, from this filling station is to be disposed of in such a manner that such drainage will not flow across the sidewalk area into the street and furthermore shall not create a nuisance to others in the neighborhood and it is understood that the disposal of such drainage shall be entirely the responsibility of the property owner.

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

"(1). That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the

Department of Public Works as to future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

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

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

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

"(5). That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the Department of Public Works file number 2 - H - 1250.

"(6). Expansion joints shall be constructed as shown upon the plan hereto attached marked 2 - H - 1250 and shall be of the pre-moulded type.

"(7). When the owner considers that he has complied with all the requirements of the City of Austin for filling stations, he shall apply for a final inspection and upon approval, the Building Inspector shall issue a Certification of Operation before such filling station can be put into service.

"Respectfully submitted  
(Sgd) C. G. Levander  
C. G. Levander  
Director of Public Works  
(Sgd) J. C. Eckert  
J. C. Eckert  
Building Inspector"

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, W. C. Wingate is the Contractor for the demolition of a building located at 212 West 14th Street and desires a portion of the street space abutting Lot 1, Block 174, of the Original City of Austin, Travis County,

Texas, during the demolition 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 W. C. Wingate, the boundary of which is described as follows:

Street Working Space

Beginning at a point in the west line 60 feet north of the south property line; thence in a westerly direction and at right angles to the centerline of Lavaca Street to a point 4 feet east of the east curb line; thence in a southerly direction and parallel with the centerline of Lavaca Street approximately 60 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;

Thence in a southerly direction and at right angles to the centerline of West 14th Street to a point 4 feet north of the north curb line; thence in an easterly direction and parallel with the centerline of West 14th Street approximately 30 feet to a point; thence in a northerly direction and at right angles to the centerline of West 14th Street to the south line of the above described property.

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

(1). That the Contractor shall construct a guard rail within the boundary lines of the above described space, such guard rail to be at least four feet high and substantially braced and anchored.

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

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

(4). 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.

(5). 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.

(6). 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 January 21, 1954.

(7). 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.

(8). 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.

(9). 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.

(10). 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 Thompson, carried by the following vote:

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

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

"TO THE MAYOR AND CITY COUNCIL:

"I certify that the tax assessment for the property hereinafter described in the name of Herman Adolph McBroom is incorrect for the following reason:

"Nash Phillips, on behalf of the owner, Herman Adolph McBroom, has submitted an affidavit claiming that as of January 1, 1953 the improvements on the hereinafter described property were only 50 per cent completed.

"I recommend that I be authorized to reduce the assessed valuation on such property as follows:

<u>YEAR</u>	<u>DESCRIPTION OF PROPERTY</u>	<u>ORIGINAL ASSESSED VALUE</u>	<u>RECOMMENDED VALUE</u>
1953	Improvements on Lot 8, Block D, Forest Oaks, Plat 584, Item 41, Parcel number 4-1009-0401, known as 4515 Banister Lane.	\$2,000	\$1,000

"(Sgd) T. B. Marshall  
T. B. Marshall  
City Tax Assessor and Collector"

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Tax Assessor and Collector has made a special investigation of the tax assessment hereinafter set forth in the name of Herman Adolph McBroom, and has found the same to be erroneous for the reason 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 adjustment, Now Therefore,

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

That the following tax assessment for the year shown be, and the same is hereby adjusted and corrected to fix the assessed value therein as indicated.

<u>YEAR</u>	<u>DESCRIPTION OF PROPERTY</u>	<u>ORIGINAL ASSESSED VALUE</u>	<u>RECOMMENDED VALUE</u>
1953	Improvements on Lot 8, Block D, Forest Oaks, Plat 584, Item 41, Parcel number 4-1009-0401, known as 4515 Banister Lane.	\$2,000	\$1,000

And the City Tax Assessor and Collector is authorized and directed to make such change in the tax rolls.

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

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

"TO THE MAYOR AND CITY COUNCIL:

"I certify that the tax assessment for the property hereinafter described in the name of Howard D. Pringle is incorrect for the following reason:

"The owner, Howard D. Pringle, has submitted an affidavit claiming that as of January 1, 1953 the improvements on the hereinafter described property were only 35 per cent completed.

"I recommend that I be authorized to reduce the assessed valuation on such property as follows:

<u>YEAR</u>	<u>DESCRIPTION OF PROPERTY</u>	<u>ORIGINAL ASSESSED VALUE</u>	<u>RECOMMENDED VALUE</u>
1953	Improvements on Lot 1, Block E, Allandale Oaks, Plat 385, Item 21, known as 6100 Cary, Parcel number 2-3301-0319	\$5,180	\$2,270

"(Sgd) T. E. Marshall  
 T. B. Marshall  
 City Tax Assessor and Collector"



Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Tax Assessor and Collector has made a special investigation of the tax assessment hereinafter set forth in the name of Howard D. Pringle, and has found the same to be erroneous for the reason 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 adjustment, Now Therefore,

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

That the following tax assessment for the year shown be, and the same is, hereby adjusted and corrected to fix the assessed value therein as indicated.

<u>YEAR</u>	<u>DESCRIPTION OF PROPERTY</u>	<u>ORIGINAL ASSESSED VALUE</u>	<u>RECOMMENDED VALUE</u>
1953	Improvements on Lot 1, Block E, Allandale Oaks, Plat 385, Item 21, known as 6100 Cary, Parcel number 2-3301-0319.	\$5,180	\$2,270

And the City Tax Assessor and Collector is authorized and directed to make such change in the tax rolls.

The motion, seconded by Councilman White, 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)

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

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

(Recommendations attached)

"Januray 14, 1954

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

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application of Marion Fowler owner of a piece of property located down-stream from the westerly extention of the South line of Windsor Road and listed in the Travis County Deed Records, for permission to construct and maintain a boat dock projecting out into the lake approximately 45 feet beyond the normal high water line. The Construction details meeting all requirements, I therefore recommend that if Marion Fowler is granted his request by the City Council that it be subject to the following conditions:

"(1). That nothing but creosoted piles, cedar piles or concrete piles, substantially braced to withstand wind and water pressure, be used in the construction and that no structure shall be nearer than ten feet to any side property line of the owner of applicant.

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

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

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

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

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

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

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

HENRY A HABEEB	815 Capitol Court	From "A" Residence 1st Height & Area To "C" Commercial 6th Height and Area
MRS. BERTHA VOGES	3303-07 Hampton Road	From "A" Residence
MRS. M. E. GOETH	827 Harris Ave.	1st Height and Area
V. A. CUNEO	3204 Red River St	To "B" Residence
DR. S. T. McGUIRE	3216-3306 Red River	6th Height & Area

The City Manager presented the matter of formulation of a policy of administrative procedure for making refunds of overpayments of taxes due to errors. Councilman Long moved that the refunding of any taxes be authorized which have accrued and which have been paid within five years preceding the time of the request. This authorization is to be retroactive for those requests pending as of this date. The motion, seconded by Councilman White, carried by the following vote:

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

Councilman Long moved that the charge for tax certificates be increased from 50¢ to \$1.00. The motion, seconded by Councilman Thompson, carried by the following vote:

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

Councilman Pearson asked the Council to give thought to changing the hour of Council meetings from 10:00 A.M. to 9:00 A.M.

There being no further business, the Council adjourned at 3:00 P.M., subject to the call of the Mayor.

APPROVED

  
Mayor

ATTEST

  
City Clerk