

3-17

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 28, 1953

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, Doren R. Eskew, Assistant City Attorney; Noble E. Latson, Assistant Director of Public Works.

Invocation was delivered by REV. T. K. ANDERSON, Central Methodist Church.

Councilman White moved that the Minutes of October 22nd be approved.
The motion, seconded by Councilman Pearson, carried by the following vote:

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

MRS. MARY MADELEY appeared requesting two-hour parking between West Avenue and Rio Grande, 700 Block of West 14th. The City Manager reported a study had been made, and the investigation revealed there was no necessity, as on all the studies made, it had been found there were parking spaces available. DR. EVERETTS, lessor of 711 West 14th, and MRS. MARTHA OWREY, speaking for her property in the block outlined difficulties of finding parking spaces. Councilman Thompson inquired of the reaction of the people as to installing parking meters in these 2-hour parking areas. It was suggested that since the students do have a parking area, that they should be urged to use it. After more discussion, Councilman Pearson moved that the City Manager be instructed to have an ordinance drawn to provide the two-hour parking as requested. The motion, seconded by Councilman Long, carried by the following vote:

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

MR. ROBERT E. GUSTAFSON, 2407 Oldham, representing property owners in the neighborhood complained of the temporary housing unit, declared unlivable in one part of town, being moved into a nice residential area in another part. He did not believe the buildings could be put into neat condition with the amount of money to be spent. MRS. HAROLD C. LEINBACH, 2405 Oldham, MRS. JAMES R. D. EDDY, and MR. M. R. JOHNSON objected strongly, and objected to other barracks being moved into the city residential areas. The City Attorney explained the terms of the contract in force, and stated that Mr. Eby had been told what the contract permits him to do and that if he did not live up to the contract, the

title reverts back to the City of Austin. MRS. CLARENCE BERGSTROM expressed opposition to this type of housing being permitted in this neighborhood. MR. PAT MENDEZ inquired as to how this would affect the opening of Oldham Street, which had been dedicated but not yet opened. MR. ALLEN DAVIS, speaking for one of his employees, urged that this street be opened. The City Attorney explained in this area now under discussion that the property had never been subdivided into lots. The Mayor stated this matter would be looked into. MR. FREDERICK EBY, JR., owner of the barracks placed in this area, spoke stating his plans for remodeling the place and that he was more than complying with the terms of the contract. He stated he would agree not to move any more of these houses in the city, but will move them into the county on some of his land if he could get an agreement with the Council that he would not be required to put up \$600.00 cash but that a bond would be accepted instead. The City Attorney stated this was a matter to be looked into. Councilman Pearson suggested that the group meeting in protest here of the moving of this house, appoint a committee of three to meet with MR. CLIFTON SPEIR, Assistant City Attorney, and MR. EBY, and be assured of just how the building will be constructed and that it will be in keeping with the neighborhood. The City Manager stated the City did have control on over these houses from the housing projects, but houses that might be bought elsewhere, the City did not have control; but that in this case, there was a contract, and it would be carried out, and they would be made neat and fit into the neighborhood.

Mayor McAden introduced the following Ordinance:

AN ORDINANCE TO PREVENT THE ABUSE OF CHARITY
IN THE CITY OF AUSTIN, TEXAS; TO REGULATE
SOLICITATIONS FOR CHARITABLE AND WELFARE PURPOSES;
REPEALING CERTAIN ORDINANCES; PRESCRIBING
PENALTIES; AND DECLARING AN EMERGENCY.

MR. ED ST. JOHN, Chairman of the Committee from the BBB outlined the study and work that had gone into the ordinance and the meetings before the Council, and urged, in the name of the Better Business Bureau, that the Council pass the ordinance this date. MR. DOREN ESKEW, Assistant City Attorney explained the changes from the original ordinance before the Council, and the one before it today. MR. TOM KELLAM, Chairman Legal Committee of the Travis Post, American Legion, stated that after the meeting with the BBB, the American Legion agreed to endorse this with the agreement that in the future if it should develop, that there were some parts that were not workable in the ordinance, or caused undue and that the ordinance would not accomplish the desired results, that the BBB and American Legion would appear again and ask the Council to consider the changes. MR. SEIDERS, Light House for the Blind, expressed satisfaction with the ordinance as it stands. The Mayor asked that Section 4 of the Ordinance be amended to provide that the Solicitation Board be appointed by the COUNCIL instead of the MAYOR. Councilman White moved that the ordinance be passed to first reading as amended. Councilman Long offered a substitute motion to amend the ordinance as follows: "When the President or head of an organization presents to the City Clerk a statement that none of the proceeds of the organization's solicitation will be used to pay commissions, wages, salaries or fees for either solicitation or administration, the Clerk shall issue that organization a permit to solicit without further investigation. This permanent permit shall remain in effect so long as the organization's solicitations are conducted under the stated conditions. This would take care of the small organizations that get small contributions." The motion lost for the lack of a second.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance as amended (in Section 4, that the members of the Board be appointed by the Council instead of the Mayor) passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

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

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

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

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

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

The Mayor announced the ordinance as amended had been finally passed.

MR. J. H. RABY, 2400 Block Rountree Drive, appeared describing the flood that overflowed the property adjoining Boggy Creek between 23rd and 19th. Discussion on easements was held. Mr. Raby stated Mr. Bascom Giles had made the statement that he would give the city all the land it needed for the drainage. It was inquired of Mr. Raby and Mrs. Conkle if there would be any objections to cutting down the trees in the creek bottom, and they stated there would be none. The City Manager stated the dredging of this creek, conditioned on Mr. Giles' giving the easement, would cost \$7,000; and there is available that amount out of Bond Money. Councilman Long moved that the City Manager be authorized to transfer \$7,000 of bond money for this purpose. The motion, seconded by Councilman Thompson, carried by the following vote:

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

The Council had under consideration the original zoning of AREA 8 - Industrial Area east of old City limit line north of Colorado River to Jain Lane. Discussion was held on making certain locations C-1. MR. EMMETT SHELTON represented his client who wished to have C-1 zoning in the dry precinct, with the possibilities of a test case to void the local option election held sometime back. Councilman Thompson stated this was another problem outside of the zoning; and that this should be passed, and later the petitions could be presented for C-2 zoning. The Mayor thought possibly the industrial area should be moved 200' on the west side of Airport Boulevard. Action on the original zoning of Area 8 was deferred until the following week.

The Council had before it the Original Zoning of AREA 16, Burnet Road Area north and west of old city limit lines. The Mayor asked that those who wished to uphold the recommendation of the Planning Commission dated October 1, 1953 (and recorded in full in the Minutes of October 22nd) 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 the zoning had been established as "A" Residence and First Height and Area and "C" Commercial and 6th Height and Area and the ordinance would be drawn.

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, certain public utility easements were reserved and dedicated to the public on a map or plat of Tarrytown 4, a subdivision of a portion of the Daniel J. Gilbert Survey in the City of Austin, Travis County, Texas, of record in Book 4, page 38, Plat Records of Travis County, Texas; and

WHEREAS, certain public utility easements were reserved and dedicated to the public on a map or plat of Tarrytown 2, a subdivision of a portion of the Daniel J. Gilbert Survey in the City of Austin, Travis County, Texas, of record in Book 3, at page 224, Plat Records of Travis County, Texas; and

WHEREAS, the portions of such easements hereinafter described are 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 following portions of such easements:

- NO. 1 The south 116.00 feet of the east three (3) feet of Lot 147 of said Tarrytown 4;
- NO. 2 The west five (5) feet of Lot 107 of said Tarrytown 2;
- NO. 3 The west five (5) feet of Lot 106 of said Tarrytown 2.

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

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

Noes: None

Mayor McAden introduced the following ordinance:

AN ORDINANCE 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 "B" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT ON THE EAST FORTY-SIX (46') FEET OF LOT TWO (2), OF BLOCK 128, OF THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; LOCALLY KNOWN AS 506 WEST 10TH STREET, AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

The ordinance was read the second time and Councilman Pearson 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 Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the third time and Councilman Pearson moved that the ordinance be finally passed. The motion, seconded by Councilman White, 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 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 ESTABLISHING THE

BOUNDARIES FOR VARIOUS ORIGINAL USE DISTRICTS AND HEIGHT AND AREA DISTRICTS, IN VARIOUS AREAS ANNEXED TO THE CITY OF AUSTIN ON DECEMBER 20, 1951, AND TIMES SUBSEQUENT THERETO; ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA MAPS SO AS TO RECORD SUCH DISTRICTS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

The ordinance was read the second time and Councilman Pearson 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 Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the third time and Councilman Pearson moved that the ordinance be finally passed. The motion, seconded by Councilman White, 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 PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 9.89 ACRES OF LAND, SAME BEING ALL OF MANOR HILLS, SECTION 2, A SUBDIVISION OF A PORTION OF THE A. B. SPEAR SURVEY IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN THE PARTICULARS STATED IN THE ORDINANCE.

Councilman Long moved that the ordinance be published as required by the City Charter. The motion, seconded by Councilman White, carried by the following vote:

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

Councilman Thompson 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 SANCHEZ STREET, from a point 185 feet north of East 14th Street, southerly 100 feet, the centerline of which gas main shall be 3 feet west of and parallel to the east property line of said SANCHEZ STREET.

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

(2) A gas main in COLETO STREET, from East 21st Street northerly 81 feet, the centerline of which gas main shall be 9.5 feet west of and parallel to the east property line of said COLETO STREET.

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

(3) A gas main in CROSLIN STREET, from a point 567 feet east of Guadalupe Street, easterly 161 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said CROSLIN STREET.

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

(4) A gas main in BERGMAN AVENUE, from Chicon Street easterly 110 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said BERGMAN AVENUE.

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

(5) A gas main in WASHINGTON AVENUE, from a point 211 feet west of Leona Street, easterly 46 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said WASHINGTON AVENUE.

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

(6) A gas main in RUNDELL PLACE, from a point 297 feet east of Ann Arbor Avenue, easterly 158 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said RUNDELL PLACE.

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

(7) A gas main in WILLIAMS STREET, from Raymond Street easterly 327 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said WILLIAMS STREET.

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

(8) A gas main in WAYNE STREET, from a point 86 feet south of Kuhlman Avenue, southerly 90 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said WAYNE STREET.

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

(9) A gas main in SOUTH 5TH STREET, from West Gibson Street southerly 25 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said SOUTH 5TH STREET.

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

(10) A gas main in WEST GIBSON STREET, from South 5th Street to South 6th Street, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said WEST GIBSON STREET.

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

(11) A gas main in SOUTH 6TH STREET, from a point 151 feet south of West Gibson Street, northerly 797 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said SOUTH 6TH STREET.

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

THE Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and 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

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 pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

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, Moore Construction Company is the Contractor for the erection of a building located at 306 East 10th Street and desires a portion of the street and alley space abutting the east 23 feet of Lot 4 and part of Lot 5, Block 131, of the Original City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore

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

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

Street and Alley Space

Beginning at the southwest corner of the above described property; thence in a southerly direction and at right angles to the centerline of East 10th Street to a point 12 feet south of the north curb line; thence in an easterly direction and parallel with the centerline of East 10th Street approximately 55 feet to a point; thence in a northerly direction and at right angles to the centerline of East 10th Street to the south line of the above described property.

Beginning at the northwest corner of the above described property; thence in a northerly direction and at right angles to the centerline of the alley 5 feet to a point; thence in an easterly direction and parallel with the centerline of the alley approximately 55 feet to a point; thence in a southerly direction and at right angles to the centerline of the alley to the north line of the above described property.

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

(1). That the Contractor shall construct a four-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 four 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 of such barricades.

(7). That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

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

(9). That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk barricades, materials, equipment and other obstructions shall be removed not later than April 1, 1954.

(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 Five Thousand Dollars (\$5,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the 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

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 east side of Bowie Street as a private gasoline plant, which property is owned by Austin Builders Supply Company and is designated as the south 1/3 of Lot 4, Block 5, Outlot 11, Division 2, in the City of Austin, Travis County, Texas, and hereby authorized the said Austin Builders Supply Company to operate a private gasoline plant consisting of a 550-gallon underground tank and pump for the sole purpose of servicing their own motor 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 attached 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 of the City of Austin that the said Austin Builders Supply Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"October 28, 1953
Austin, Texas

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

"Dear Sir:

"I, the undersigned, have considered the application of Austin Builders Supply Company for permission to operate a private gasoline plant consisting of a 550-gallon underground tank and pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the east side of Bowie Street, which property is designated as south 1/3 of Lot 4, Block 5, Outlot 11, Division Z, in the City of Austin, Travis County, Texas, and locally known as 311 Bowie Street,

"This property is located in a "C" Commercial 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,
(Sgd) 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 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 east side of Lamar Boulevard as a private gasoline plant, which property is owned by Bohls Featherlite Block Company and is designated as the south 110 feet of Lots 14, 15, 16, Block 4, Outlot 11, Division Z, in Raymond Plateau, of the City of Austin, Travis County, Texas, and hereby authorizes the said Bohls Featherlite Block Company to operate a private gasoline plant consisting of a 550-gallon underground tank and pump for the sole purpose of servicing their own motor 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 attached 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 Bohls Featherlite Block Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"October 28, 1953
Austin, Texas

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

"Dear Sir:

"I, the undersigned, have considered the application of Bohls Featherlite Block Company for permission to operate a private gasoline plant consisting of a 550-gallon underground tank and pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon the property located on the east side of Lamar Boulevard, which property is designated as the south 110 feet of Lots 14, 15, 16, Block 4, Outlot 11, Division Z, in the Raymond Plateau, of the City of Austin, Travis County, Texas, and locally known as 301 Lamar Boulevard.

"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,
(Sgd) 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 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 west side of Cameron Road as a private gasoline plant, which property is owned by Blair Lumber Company, and is an unplatted lot in the L. S. Scarbrough Tract, in the City of Austin, Travis County, Texas, and hereby authorizes the said Blair Lumber Company to operate a private gasoline plant consisting of a 550-gallon underground tank and pump for the sole purpose of servicing their own motor 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 attached 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 Blair Lumber Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"October 28, 1953
Austin, Texas

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

"Dear Sir:

"I, the undersigned, have considered the application of Blair Lumber Company for permission to operate a private gasoline plant consisting of a 550-gallon underground tank and pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the west side of Cameron Road, which property is designated as an unplatted lot in the L. S. Scarbrough Tract, in the City of Austin, Travis County, Texas, and locally known as 6300 Cameron Road.

"This property is located in an "A" Residential District and is an existing non-conforming use, 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,
(Sgd) 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)

WHEREAS, W. P. Mayes is the Contractor for the alteration of a building located at 1011-1011½ Congress Avenue and desires a portion of the sidewalk and street space abutting on Lot 3, Block 123, 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 W. P. Mayes, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of Congress Avenue to a point 6 feet east of the east curb line; thence in a southerly direction and parallel with the centerline of Congress Avenue approximately 46 feet to a point; thence in an easterly direction and at right angles to the centerline of Congress Avenue to the west line of the above described property.

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

(1). That the Contractor shall erect within the above described working space a solid fence built of not less than one-inch material and at

least 8 feet in height (or extending from the sidewalk to the underside of the present awning) substantially braced and anchored and to maintain same in good condition at all times while the work is in progress. The Contractor will be permitted to put a door in the barricade that will either open in or slide parallel to the barricades, and at all times that material is being delivered or taken away from the building, a watchman shall be provided to warn pedestrians of approaching danger. The Contractor will be permitted to use one parking meter space for the delivery or removal of materials during construction work.

(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 December 1, 1953.

(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 the sidewalk, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

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

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

Mayor McAden introduced the following ordinance:

AN ORDINANCE 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 12(b) OF ARTICLE III RELATING TO STOP SIGN LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; DECLARING AN EMERGENCY 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 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 Long 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 Long 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 the ordinance had been finally passed.

The Mayor announced receipt of a communication dated October 21, 1953, from the Planning Commission regarding zoning on the north of State Highway 20, and (b) south of Highway 20, and annexation of certain property on the Interregional Highway, south of Rundberg Lane down to U.S. Highway 290, for limited purpose only. He stated he would like to have about two weeks to go into this, and set it for Council consideration for November 12th. Councilman Long stated the subdividers had been requesting to be annexed, and she did not think it wise to reach out and take them in for limited purposes.

Councilman Long submitted a petition from some citizens in Govalle on Alff and Burger Streets, asking that the city install a 6" water line and fire plug in the Springdale Addition as the 2" line at the present time is not adequate. She asked that a report be made on this.

The Mayor reminded the Council of its invitation to attend the Inaugural Ceremonies of the President of the University.

There being no further business, the Council adjourned at 12:40 P.M. subject to the call of the Mayor.

APPROVED


Mayor

ATTEST:


City Clerk