

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 10, 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

Invocation was delivered by Rev. Charles Dickey - St. Andrews Church.

Councilman Long moved that the Minutes of the Meeting of December 3rd, 1953, be corrected to provide that her statement of December 3rd be written into the Minutes as a part of the Minutes rather than an attachment. The motion, seconded by Councilman Pearson, carried by the following vote:

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

The ordinance setting up the original zoning of AREA 6 - SOUTH AUSTIN was before the Council for consideration. MR. CHARLES JOHNSON represented CRAWFORD'S GROCERY, 1406 Fortview Road, stating he had applied for a zoning change in December, 1952; and this was denied by the Planning Commission. On May 26, 1953, the Planning Commission recommended a commercial zone 350' east of the east property line of Mr. Crawford, the property belonging to Mr. Sasse. Mr. Crawford purchased his property in 1938 before it was in the city, and built a small store; Mr. Sasse's property has been vacant all through the years. The Planning Engineer suggested that if the Council considered this request and include it in the original zoning, that it include a recommendation for 6th Height and Area. No action was taken and the matter was to be considered the following week for possible amendment of the ordinance.

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Mrs. Johnnie Anderson had made application in writing for permission to operate in her residence a day nursery school, complying with all City and State regulations, on Lot 25, Outlot 18, Division C, Mayfair Terrace, in the City of Austin, Travis County, Texas, the same being on the south side of Ellingson Lane and locally known as 1027 Ellingson Lane, which property is located in an "A" Residence District and under Section #4, Item 13a of the Zoning Ordinance requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin, Therefore

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

THAT permission for the operation of a day nursery school at the location described above be granted to Mrs. Johnnie Anderson.

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)

WHEREAS, B. Clary Bates, M.D. has made application in writing for permission to operate a doctor's office and clinic for human beings only on the south 80 feet of Lots 5 and 6, Block 131, of the Original City of Austin, Travis County, Texas, the same being on the west side of Nueces Street and locally known as 1108 Nueces Street, which property is located in a "B" Residence District and under Section #5, Item #6, of the Zoning Ordinance requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin, therefore

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

THAT permission for the operation and maintenance of a doctor's office and clinic for human beings only be granted to B. Clary Bates, M.D. with the following conditions:

1. THAT this clinic be used in the general practice of medicine, and that no mental or psychiatric patients be housed in such clinic.
2. THAT all regulations required in this zone and all building code provisions be complied with in the operation and maintenance of this building.

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

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

Noes: None

The Council received five appeals from the Board of Equalization, filed through Attorney James R. Sloan, as follows:

Robert E. Lee Hall, Inc. -- Land and Improvements
Robert E. Lee Hall, Inc. -- Furniture, Equipment, Etc.
Austin Laundry & Dry Cleaning Co. -- Furniture, etc.
A. D. Bolm -- Land and Improvements (Austin Laundry & Dry Cleaning)
James P. Yeates & C.B. Fitzpatrick -- Land and Improvements including all equipment.

MR. SLOAN contended that the taxes assessed against these people were not uniform and equal with other properties that are taxed in the City. He further contended that there was a failure to levy and assess taxes against properties subject to taxation-- stock, bonds, cash in the banks, etc., and that there is 1/4 to 1/3 of the taxable property in the City not now being assessed. He believed it would take about six hours to present his case before the Council. Councilman Long asked that he prepare a brief or record to present to the Council for study before the date of hearing. The Council set the date for hearing these appeals for 10:00 A.M., Friday, December 18th. Mr. Sloan asked that the tax levy and assessment ordinance not be passed until at least three days after that hearing is held and decision rendered, as his clients had certain legal rights which they wanted to uphold.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

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

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in LINDEN STREET, from a point 118 feet north of Lyons Road, southerly 125 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said LINDEN STREET.

Said gas main described above shall have a cover of not less than 2½ feet.

(2) A gas main in LYONS ROAD, from a point 71 feet east of Linden Street, westerly 211 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said LYONS ROAD.

Said gas main described above shall have a cover of not less than 2½ feet.

(3) A gas main in GONZALES STREET, from a point 473 feet east of Pedernales Street, easterly 103 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said GONZALES STREET.

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

(4) A gas main in PRADO STREET, from a point 411 feet west of Ramos Street, westerly 103 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said PRADO STREET.

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

(5) A gas main in JUANITA STREET, from a point 52 feet west of South 4th Street, easterly 61 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said JUANITA STREET.

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

(6) A gas main in NEWTON STREET, from a point 100 feet north of West Mary Street, northerly 85 feet, the centerline of which gas main shall be 8 feet west of and parallel to the east property line of said NEWTON STREET.

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

(7) A gas main in CANADIAN STREET, from a point 55 feet south of Hidalgo Street, southerly 64 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said CANADIAN STREET.

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

(8) A gas main in SOUTH 6TH STREET, from a point 161 feet, south of West Gibson Street, southerly 98 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.

(9) A gas main in WEST MARKET DRIVE, from a point 27 feet north of West 50th Street, northerly 258 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said WEST MARKET DRIVE.

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

(10) A gas main in WEST FRESCO DRIVE, from Bull Creek Road to North Fresco Drive, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said WEST FRESCO DRIVE.

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

(11) A gas main in NORTH FRESCO DRIVE, from West Fresco Drive to Hancock Drive, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said NORTH FRESCO DRIVE.

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

(12) A gas main in GEORGIAN STREET, from Lyman Place, easterly 306 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said GEORGIAN STREETS

(13) A gas main in PALO DURO ROAD, across Grover Avenue intersection, the centerline of which gas main shall be 4.5 feet south of and parallel to the north property line of said PALO DURO ROAD.

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

(14) A gas main in GROVER AVENUE, from a point 139.5 feet north of Alguno Road, southerly 678 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said GROVER AVENUE.

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

THE Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation

in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

The motion, seconded by Councilman 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, J. M. Odom is the contractor for the erection and alteration of a building located at 1400 East Avenue and desires a portion of the sidewalk and street space abutting Lots 1 through 8, Block 166-1/2, of the Original City of Austin, Travis County, Texas, during the erection and 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 J. M. Odom, 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 to the centerline of East Avenue to a point 12 feet east of the west curb line; thence in a southerly direction and parallel with the centerline of East Avenue approximately 276 feet to a point; thence in a westerly direction and at right angles to the centerline of East Avenue to the southeast corner of the above described property;

Beginning at the northwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of Sabine Street 12 feet to a point; thence in a southerly direction and parallel with the centerline of Sabine Street approximately 276 feet to a point; thence in an easterly direction and at right angles to the centerline of Sabine Street to the southwest corner of the above described property;

Then Contractor will also be permitted to close East 14th Street between Sabine Street and East Avenue during the time it is necessary to construct work in this area that is incorporated within his contract with the City of Austin.

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

(1). That the Contractor shall erect and maintain continuously in good condition during the use of said space hereby allotted, a substantial walkway

at least four feet wide in the clear on the inside and at least eight feet high the same to be covered solidly on the street side with boards to a height of four feet above pavement and on the building side to be covered solidly with boards to a height of eight feet. The top of the walkway shall be covered solidly with boards at least two inches thick, which shall be supported at intervals sufficiently close to prevent sagging of the roofing boards. The roof of said walkway shall be covered with a roofing material which will prevent leaking of the roof and provide a dry walkway at all times. No wood strips or obstructions of any kind shall be permitted along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

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

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

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

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

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

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

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

(9). That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than July 1, 1955.

(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 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, Dewey Johnson is the Contractor for the alteration of a building located at 22-24 East 6th Street and desires a portion of the sidewalk and street space abutting the east 50 feet of Lots 1 and 2, Block 63, 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 Dewey Johnson, the boundary of which is described as follows:

Sidewalk and Street Working 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 6th Street to a point four feet north of the north curb line; thence in an easterly direction and parallel with the centerline of East 6th Street approximately 50 feet to a point; thence in a northerly direction and at right angles to the centerline of East 6th Street to the southeast corner of the above described property;

Thence in an easterly direction and at right angles to the centerline of East Avenue to a point four feet west of the west curb line; thence in a northerly direction and parallel with the centerline of East Avenue approximately

92 feet to a point; thence in a westerly direction and at rightangles to the centerline of East Avenue to the north-east corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Dewey Johnson, 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 March 7, 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), 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 Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain drainage easement was reserved and dedicated to the public on a map or plat of Mayfield Subdivision according to a map or plat of said Mayfield Subdivision of record in Book 6, page 67, Plat Records of Travis County, Texas; and

WHEREAS, a certain drainageway easement was granted to the City of Austin by J. W. Mayfield on a part of the hereinafter described tract by that certain instrument recorded in Volume 1167, at page 498, Deed 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 portions of such easements on the two tracts of land described as follows:

NO. 1 BEGINNING at the northwest corner of Lot 6 of said Mayfield Subdivision;

THENCE S. $29^{\circ} 45'$ W. 125.12 feet to the southwest corner of said Lot 6;

THENCE with the south line of Lots 7 and 8 of said Mayfield Subdivision, N. $59^{\circ} 46'$ W. 100.55 feet to a point, same being the southeast corner of that easement granted to the City of Austin by J. W. Mayfield by instrument of record in Volume 1413 at page 98, Deed Records of Travis County, Texas;

THENCE with the east line of said easement, N. $42^{\circ} 19'$ E. 25.56 feet to a point;

THENCE following a line 25.00 feet north of and parallel to the south line of said Lot 8, S. $59^{\circ} 46'$ E. 22.5 feet to a point;

THENCE following a line 12.50 feet westerly from and parallel to the east line of said Lot 8, N. $29^{\circ} 45'$ E. 100.69 feet to a point on the north line of said Lot 8;

THENCE with the north line of said Lots 8 & 7, S. 59° 20' E. 25.00 feet to a point;

THENCE following a line 12.50 feet easterly from and parallel to the east line of said Lot 8, S. 29° 45' W. 100.51 feet to a point;

THENCE following a line 25.00 feet northerly from and parallel to the south line of said Lot 7, S. 59° 46' E. 22.50 feet to a point;

THENCE following a line 25.00 feet westerly from and parallel to the east line of said Lot 7, N. 29° 45' E. 100.34 feet to a point on the north line of said Lot 7;

THENCE with the north line of said Lot 7, S. 59° 20' E. 25.00 feet to the point of beginning.

NO. 2 BEGINNING at a point on the south line of Lot 9 of said Mayfield Subdivision, same being the southwest corner of that easement granted to the City of Austin by instrument of record in Volume 1413, page 98, Deed Records of Travis County, Texas, and from which point of beginning the south-east corner of said Lot 9 bears S. 59° 46' E. 5.56 feet;

THENCE following a line 5.56 feet westerly from and parallel to the east line of said Lot 9, N. 29° 45' E. 25.00 feet to a point;

THENCE S. 59° 46' E. 5.56 feet to a point on the east line of said Lot 9, same being an angle point in the west line of said easement of record in Volume 1413, page 98, Deed Records of Travis County, Texas;

THENCE following the west line of said easement, S. 42° 19' W. 25.56 feet to the point of beginning.

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

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain sanitary sewer and drainage easement was reserved and dedicated to the public on a map or plat of Paxton Subdivision according to a map or plat of said Paxton Subdivision of record in Book 5, page 129, Plat Records of Travis County, Texas; and

WHEREAS, 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 executed a release of the portions of such easements on the two certain tracts of land described as follows:

NO. 1 BEGINNING at a point on the east line of said Lot 6 of said Paxton Subdivision, and from which point of beginning the northeast corner of said Lot 6 bears N. $29^{\circ} 45'$ E. 20.00 feet;

THENCE following a line 20.00 feet southerly from and parallel to the north line of said Lot 6, N. $59^{\circ} 20'$ W. 27.00 feet to a point;

THENCE N. $29^{\circ} 45'$ E. 20.00 feet to a point on the north line of said Lot 6;

THENCE with the north line of said Lot 6, S. $59^{\circ} 20'$ E. 6.71 feet;

THENCE S. $15^{\circ} 15'$ E. 28.74 feet to the point of beginning.

NO. 2 BEGINNING at a point on the south line of Lot 8 of said Paxton Subdivision, and from which point of beginning the south-east corner of said Lot 8 bears S. $59^{\circ} 20'$ E. 10.00 feet;

THENCE following a line 10.00 feet westerly from and parallel to the east line of said Lot 8, N. $29^{\circ} 45'$ E. 177.25 feet to a point;

THENCE following a line 20.00 feet southerly from and parallel to the north line of Lots 8 and 7, S. $59^{\circ} 20'$ E. 20.00 feet to a point;

THENCE following a line 10.00 feet easterly from and parallel to the west line of Lot 9, S. $29^{\circ} 45'$ W. 177.25 feet to a point on the south line of said Lot 9;

THENCE with the south line of said Lots 9 and 8, N. $59^{\circ} 20'$ W. 20.00 feet to the point of beginning.

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

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

Noes: None

The Council received the following:

"December 10, 1953

"To The City Council
City of Austin, Texas

"Re: Completion and Acceptance of Work of
Improving West 45th Street, from Avenue
"B" to Speedway, being Unit 18 of
Current Improvement Program.

"The work of improving West 45th Street, from the east property line of Avenue "B" to the east property line of Speedway, known as Unit 18 in the current street improvement program, has been performed and completed by Collins Construction Company of Texas in full compliance with the Contract, and the Plans and Specifications therein contained, dated July 21, 1952, between the City of Austin and Collins Construction Company of Texas.

"I have inspected, approved and accepted the work and improvements referred to, and I now recommend that the same be accepted and received by the City Council as having been performed and completed in compliance with the Contract, Plans and Specifications referred to above.

"Respectfully submitted,
(Sgd) C. G. Levander
Director of Public Works
City of Austin, Texas"

Mayor McAden introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING WEST 45TH STREET, UNIT 18, IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREBELOW DEFINED, PERFORMED BY COLLINS CONSTRUCTION COMPANY OF TEXAS; AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BE COME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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

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

The ordinance was read the second time and Councilman Long 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 Long 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 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 AN AREA ANNEXED TO THE CITY OF AUSTIN ON DECEMBER 20, 1951; 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

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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 AN AREA ANNEXED TO THE CITY OF AUSTIN ON DECEMBER 20, 1951; 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 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 AN AREA ANNEXED TO THE CITY OF AUSTIN ON DECEMBER 20, 1951; 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 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 AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL AND SIXTH HEIGHT AND AREA DISTRICT ON LOTS 20, 21, 41, 42, 43 AND 44, HARMON TERRACE ADDITION IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE 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 Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

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

The ordinance was read the second time and Councilman Long 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 Long 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
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 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.

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.

Councilman Pearson 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 a contract on behalf of the City of Austin with First

Austin Investment Corporation 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 Water Main Extensions - Contract File No. 775-C)

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 Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Gray & Becker, Inc. 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 WATER MAIN EXTENSIONS - Contract File No. 837-C)

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

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

Noes: None

The City Manager submitted the following statement covering the points Councilman Long brought out on December 3rd:

"Honorable Mayor and Members of the City Council
Austin, Texas

"Dear Members of the Council:

"A few days ago, a member of the Austin City Council made serious charges against your City Manager and Finance Director. These accusations, made at a special meeting of the City Council, were answered "on the spot" by the administration, but in order to set the record completely straight, additional figures have been put down here so as to give a complete picture of this whole situation.

"Your City Manager and 2,200 employees are employed to "do a job". That job is to utilize the available revenue of the City of Austin so as to accomplish the maximum amount of constructive good for the community -- in water lines, in playgrounds, in hospital service -- in all the other ways possible. That job is at best a difficult one.

"Austin, like all other Texas cities, is suffering from a deficiency of revenue sources. Like all other cities, -- and more than most -- our demands for services are increasing by leaps and bounds. The city we spoke of in the budget message -- that one of 7,000 population we add each year is no myth, it is an actuality. To successfully carry out the execution of the budget document

calls for judgment and decisions every day of the fiscal year.

"Your city government is the second largest single business in Austin. True, federal employment and state employment exceed municipal employment in the Capital City but these are not under single administrative heads. The University of Texas is the only business or institution with a single responsible administrator that exceeds your City government in size. Add to that fact -- the extreme fluidity of the City. Your city administration is responsible for some 45 different activities, ranging all the way from police protection to operation of the tuberculosis sanatorium. Each of these functions is fraught with its own problems and subject to wide fluctuations, depending on weather conditions, economic health of the community, whims of the citizens, and many other imponderables.

"What does all this mean? Just this. We come right back to the original premise that the job of administration is to "get a job done", in fact, lots of jobs. Budgeting is a tool to use in getting that job done by setting out a plan of work that is proposed to be followed. But in a dynamic business like our City, a budget can not be an inflexible instrument. It must be flexible, it must be pliable, it must be constantly shaped to meet the needs and wishes of the citizens as expressed through their City Council.

"Technically, this shaping has limitations imposed by the City Charter. And again technically, we have no hesitancy in saying that no formal action has yet been taken by the City Council in transferring available funds from one department to another. Actually, however, the Council member is really premature in her accusations for a resolution has been prepared and will be presented to the Council at its next regular meeting. This resolution will, if adopted, adjust the 1953 budget estimates to conform to the revised estimates and thus formalize, legally and technically, any transfers of funds or overages or underages in departments.

"At the present time, only about 11/12 of the budget estimates have been spent which would mean we have not exceeded the 1953 budget by \$700,000 at all, but we do not deny the 12 month estimates anticipate those overages. We are glad to explain them. The City Council has been kept informed at all times of the general condition of the budget and on the three different major occasions that extra-budgetary money has been spent, discussion was held with the Council and explanations made that such appropriations would be exceeded.

"There are four major ways that appropriations in the General Fund will be exceeded in 1953. (1) General overhead is over some \$40,000. This is due to three items: (a) the charter election which was held January 31 was not anticipated in the 1953 budget. At the time the budget was adopted December 23, the charter election had not yet been called and there was serious doubt it would be called at all due to the feeling of some members of the Council. This election and publications necessary cost us approximately \$18,000. (b) The mid-year salary increase raised the city's matching retirement contributions by some \$5,500. (c) There was taken from this section of the budget \$9,120 for interest expense which the Council was informed about when the bond ordinance was passed last winter and which amount was set up therein.

"(2) The Tax Department will be over its budget by some \$47,000. This again is due to three reasons: (a) The cost of the reappraisal job was underestimated for the time originally set up for it -- this year 1953. Additional

appraisers and clerks have been employed to see this through. (b) By the decision to postpone putting into effect this year the reassessment program which required considerable overtime pay to convert the records and appraisals to the previous year's level of values since they had already been set up at the new values. (c) Filing of more than 7,000 tax suits -- many more than originally contemplated when the Tax budget was first increased in 1953 over 1952. The reason for this increase is known to all. The Legislature passed a law establishing a four year limitation on the collection of delinquent personal property taxes and thus, it became necessary, if any sum of money was to be recovered here, to work night and day for several weeks, in preparing many more suits than initially planned. This work has paid off in the collection of some \$270,000 in delinquent taxes through October and much of that drive is yet to be felt for the citations are still being served on many of the citizens who have been sued.

"(3) The Abattoir will exceed its appropriations this year. This activity is another of the city's functions which is hard to budget because of changing conditions. No one -- in the city or out -- believed at budget time last year that slaughtering would continue at such an unprecedented rate this year. Last year's peak killing has not only been equalled, it has been almost doubled! That has meant more men, more materials, more expenses, but it has also meant more revenue coming into the General Fund.

"(4) The fourth way General Fund appropriations will be exceeded is through very high maintenance costs on equipment in our Street and Bridge and Sanitation Divisions. Your attention is called in this year's budget message to the statement that our equipment in those two divisions is fast deteriorating. I see no relief at the present time for replacement of any of that equipment yet it must be used and hence kept in a state of good repair.

"In summary, we see that General Fund appropriations will be exceeded by some \$150,000. A glance at the 1953 budget and the proposed 1954 budget which shows estimated revenue for 1953 will show that this year's General Fund revenues are estimated to exceed our budget by exactly that same \$150,000. The City will be "in the black" as it has always been since the advent of council-manager government in 1926 and we shall leave it to the good judgment of the City Council and the citizens of Austin the final decision on whether or not the administration has done its job.

"Before taking up the Utility Fund in detail, it might be well to point out that the City is operating out of the "governmental class" when we speak of our utilities. If budgets of our governmental departments should be flexible to meet the demands of the people, then the budgets of utilities must be all the more so. Again, departments will technically exceed their appropriations, but the overall picture is still favorable. The Utility Fund resources will exceed the budget by just about the same amount as the expenditures, leaving a small balance at the end of this year.

"Specifically, the Utility Fund will be over an operations and maintenance in the following ways: Electric Production will be over \$21,500 because of unforeseen maintenance on 2 turbines and 5 boilers in the old power plant. Electric Distribution will be over some \$21,000 which represents extra material, labor, and transportation on storm work -- exceeding budgetary allotment for these emergencies.

"Customer's Accounting will be some \$63,000 over its budget on installing the IBM records system. This is a non-recurring expense and will certainly be compensated for in the more efficient accounting and billing of our water and light accounts.

"The major portion of increased spending in utility capital is due to new customers. The Council was advised in June when the special meetings were held relative to the employees pay raises that the number of new customers which had to be served would far exceed the budget estimate. This accounts for some \$200,000 of the \$400,000 mentioned by the Council member.

"The other \$200,000 will have been spent for the most part in three different ways: (1) The capital budgets for water and sewer do not provide any sums for subdivision installations of such utilities. As the subdividers put up the money with the city, these are automatically added to the Budget when contracts are approved by the City Council. It is contemplated that approximately \$160,000 in water extensions. (2) Some \$40,000 of the overage is for the completed part of the network cable which the Council appropriated \$78,000 for in the summer. (3) Another \$40,000 is for spare parts for the Power Plant which were encumbered in 1952 and we believed would be delivered and paid for in 1952, but slow delivery caused us to complete this transaction in 1953.

"Again, technically, the budget will be overspent in several departments. Careful budgeting of the city as a whole, however, and watchful execution has kept other departments below their budgeted figures, so that the total fiscal picture of the City is and will continue to be "in the black".

"This administration has made mistakes -- this we will always admit. But this administration is also ever conscious of trying to budget closer to reality. We will stand on the record of accomplishments with the money provided and let the City Council and the citizens judge the worthiness of the expenditures.

"As far as the charge that projects listed in the 1953 budget have been completed but listed again in the 1954 budget, -- this whole thing is absurd. This city has far too much work to do to waste time trying to do the same job twice. The Council member was shown at the special Council meeting to be grossly negligent in reading her budget -- projects which she believed on bare reading were the same in the 1953 and 1954 budgets were of course two entirely separate projects. T

"This budget, as all previous budgets, is an "honest" budget. This administration is an honest administration and any half-cocked statement to the contrary is based on fiction and fantasy, not on the facts as they stand out and lay on the table.

"W. E. SEAHOLM
City Manager"

Councilman Thompson moved that copies be submitted to the press and that this set of comments be inserted in the Minutes of the meeting today. The motion, seconded by Councilman Pearson, carried by the following vote:

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

Councilman Long submitted a petition from Mrs. Frank Sanderson, 3002 Funston Street, reporting a ditch that was overflowing during the rains. She thought the ditch was in the right-of-way of the Railroad, and they have not kept it cleared out. She asked that the City might get permission to clean it out. She had another call from Henry Torres, 5010 Martin about the same condition. Councilman Pearson suggested that this be referred to the City Manager.

Councilman Long had a request from A. J. Richtor, 3605 Goodwin, that something be done about a bad drainage situation -- the ditch was too shallow and one end of the drain pipe was stopped up.

Councilman Long had a request from Mrs. Smith, South 1st and 4400 Jinx about sewage in this area; as the septic tanks were not sufficient, during this last heavy rain and all had a lot of trouble. She had had several calls from this lady, and asked for a report on this.

Councilman Long presented a complaint from Walter Anderson, 1808 East 38 $\frac{1}{2}$ Street, about a ditch behind his property which was caving in and damaging the property. She asked that an investigation be made to see what should be done about this. She had had about three calls. Another request was for Mr. Sherman Wray, 1143 Airport Blvd. that the culvert in the 1143 Airport Boulevard area be investigated. A new road was going in at an angle, and it seems the culvert is not deep enough.

Councilman Long reported a call she had from a property owner who was out of town when the Burnet Area was originally zoned, and his property was not included in a commercial zone. The City Attorney stated he would have to apply for a change now.

Councilman Long reported dissatisfaction of Mr. C. R. Smith, 403 Zenia, with the maintenance of the street. She had another call with reference to Crestview and Allejo Village and all out in that section. The people were begging to have their streets better maintained. They had noted the grading equipment was being used to cut Arroyo Seca, cutting new streets but not maintaining the older ones.

Councilman Long presented a complaint from Mr. Edmunds Travis, 19th and Lamar. Some people were selling Christmas trees and were driven off. She thought this could be handled like a Nursery. Councilman Thompson stated the Christmas Tree vendors were in competition with other merchants who are taxpayers. The City Manager stated property owners had complained.

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

MRS. ADA MAY NEAL

414 Clarke Street

From "A" Residence
To "B" Residence

Pursuant to published notice thereof the following applications for change of zoning were publicly heard:

| | | |
|--------------|--------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| RALPH OAKLEY | 2801-13 Webberville Road 2600-2704 Lyons Road | From "A" Residence To "C-2" Commercial RECOMMENDED "C " Commer- cial by the Plan Commis- sion and heard on that basis. |
|--------------|--------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|

MR. OAKLEY was present in his own behalf. Councilman Thompson suggested that the recommendation should have included the 6th Height and Area, and this was explained to Mr. Oakley and he was agreeable. Councilman Long moved that the Planning Commission's recommendation be amended to include 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 then asked that those that favored upholding the recommendation of the Planning Commission as amended 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 change had been granted to "C" Commercial 6th Height and Area, and the City Attorney was instructed to draw the necessary ordinance.

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| | | |
|-------------------|------------------|-------------------------------------------------------------------------------------|
| WALTER S. MICHALK | 5531 Burnet Road | From "C" Commercial To "C-2 Commercial RECOMMENDED by the Plan Commission. |
|-------------------|------------------|-------------------------------------------------------------------------------------|

MR. J. W. WHEELER represented Mr. Michalk and urged the Council to follow the recommendation of the Plan Commission and grant the change. MR. VERNON STRICKLAND, 1703 Ulrich Avenue, presented a petition with 222 names opposing the change on the grounds it is near churches and schools; not adequate off-street parking and this would create a traffic hazard. MR. LLOYD MCGINNIS, MR. LLOYD L. MYERS, MR. A. L. QUICKSALL, MRS. BOMAR, MRS. V. STRICKLAND all expressed strong opposition to the "C-2" zoning. The Council deferred action on this zoning request for a week to allow it to familiarize itself with the neighborhood.

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MRS. MYRTLE CUTHBERTSON 1500 Block W. 38th St.

From "A" Residence
To "B" Residence
RECOMMENDED by the Plan
Commission provided the
applicant gives suffi-
cient land to widen 38th
Street to an 80-foot
right-of-way, but that
the property remain in
First Height and Area.

The Planning Engineer explained the recommendation of the Plan Commission with respect to the widening of 38th street and future planning for Bull Creek Road. MRS. CUTHBERTSON did not know how much property would be left, and the Planning Engineer explained to her. She stated she was willing to set back so that the street could be widened. The Mayor asked that those favoring the recommendation of the Planning Commission, with the understanding there will be a 25' setback from the future line of 38th Street after it is widened to 80', totalling 55' at present, 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 change had been granted with the understanding that there will be a 25' setback from the future line of 38th Street after it is widened to 80', totalling 55' at present, and the City Attorney was instructed to draw the necessary ordinance.

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VIRGIL SOUTHWORTH

1910 E. 1st Street

From "C" Commercial
To "C-1" Commercial
NOT RECOMMENDED by the
Plan Commission

MR. TREEMAN O'QUINN represented the Southworths. MRS. SOUTHWORTH appeared in her own behalf also. She was applying for this zoning for off-premise consumption. MR. JOHN C. BUTLER opposed the change. He represented C. M. Ashmore and S. M. Ashmore, Mrs. W. C. Blundell, and others: Will Kretschmar, J. M. Palmer, and others. REV. B. H. LAUD, Pastor Baptist Temple, opposed the change. MR. ROY TRANGOTT, 1910 Willow expressed opposition. DR. W. C. RAINS, MR. VERNON STRICKLAND, MRS. W. C. REEVES, 2110 Riverview, MRS. JACKSON asked that the change not be granted. MRS. MARGARET COX, 1811 E. 4th, was opposed to the change. MR. O'QUINN stated the Southworths were not interested in selling the place, and were interested only in operating this as an off-premise business. They were willing to be restricted somehow either legally or morally and that they would apply only for permission to operate an off-premise business at this location. This would place them in the same category as the PITTS ICE COMPANY.

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 vote:

Ayes: Councilmen Thompson

Noes: Councilmen Long, Pearson, White, Mayor McAden

The Mayor announced that the change had been granted with the understanding that it is granted with the provision that it is to be operated as "beer-to-go" as Attorney O'Quinn had indicated in the hearing. He announced that the change was granted as it had obtained the four-fifths vote necessary to overrule the recommendation of the Planning Commission. The City Attorney was instructed to draw the necessary ordinance.

The Council received a report on the car parking facility, 100 Block East 9th Street. (On file in City Clerk's Office under CAR PARKING FACILITY) MR. HERBERT SMART and MR. ROY SNAUTZ were present in their interest. The City Manager was not ready to make a recommendation. The Council deferred action on this for another week in order to obtain further information.

The City Manager presented the following Memorandum from C. G. LEVANDER, Director of Public Works, dated December 10, 1953:

"Subject: Bull Creek Road Paving Project

"The total cost of pavement including intersections on Bull Creek Road is \$67,301.00 and on Oakmont Boulevard, \$2,422.00. The total assessable front feet on Bull Creek Road is 11,212' and on Oakmont Boulevard 524'. This making the total front foot paving costs on Bull Creek Road \$6.00 and on Oakmont Boulevard \$4.62.

"Bull Creek Road is a 40 foot street and Oakmont Boulevard a 30 foot street.

"Following is a distribution of the major costs on this project using an assessment of \$4.00 per front foot on Bull Creek Road and \$3.388 per front foot on Oakmont Boulevard.

| | <u>Property Owner</u> | <u>State</u> | <u>City</u> | <u>Totals</u> |
|-----------------|-----------------------|-------------------|---------------------|--------------------|
| Drainage, etc. | - | - | \$15,079 | \$15,079 |
| Curb and Gutter | \$ 10,681 | \$3,630 | 770 | 15,081 |
| Pavement | | | | |
| Bull Creek Road | 33,416 (49.6%) | - | 33,885 (50.4%) | 67,301 |
| Oakmont Blvd. | 1,775 (73%) | - | 647 (27%) | 2,422 |
| Totals | \$ 45,872 (46%) | \$3,630 (3.6%) | \$50,381 (50.4%) | \$99,883 (100%) |

The City Manager explained the figures and asked that the Council authorize the basis of assessment of \$4.00 per front foot on Bull Creek Road and

\$3.388 per front foot on Oakmont, so that the schedule could be prepared. Councilman White moved that the figures as recommended be authorized. The motion, seconded by Councilman Pearson, carried by the following vote:

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

The Council had before it a Resolution amending the Budget appropriation. Action was deferred until the following week at the request of Councilman Long.

The Council adjourned at 2:30 P.M., subject to the call of the Mayor.

APPROVED


Mayor

ATTEST:


City Clerk