

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 17, 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; C. G. Levander, Director of Public Works.

Invocation was delivered by REVEREND C. REGINALD HARDY, Ward Memorial Methodist Church.

Councilman White moved that the Minutes of December 10th be approved. The motion, seconded by Councilman Pearson, carried by the following vote:

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

MR. JOHN BROAD, Chamber of Commerce, expressed the opinion of the Chamber of Commerce, that it would like to have included in a revenue bond issue the construction of an Auditorium. MR. NOBLE PRENTICE called attention to the editorial, stating it expressed the need of an Auditorium in Austin, and asked the Council to give very serious consideration to this proposal. Councilman Long asked if he were aware of her proposal concerning a 10% increase in the industrial rate on the electric utility, to help get the project going, as it was stated it would have to be subsidized. Mr. Prentice stated he could not express an opinion for the Chamber of Commerce at this time, on this proposal, and pointed out the benefits that conventions bring to a city. Councilman Pearson expressed the hope that an Auditorium could be built within the next two years. MR. EDDIE BROWN stated many cultural things had been turned down that should come to Austin; and with an Auditorium these things could be brought into Austin; an enormous amount of money would be brought into Austin and many benefits would be realized. Councilman Long asked the Chamber of Commerce to consider her plan of putting 10% increase on the industrial users and let the Council know how it felt. MR. BILL PAYNE, Sam Houston Motel, stated he would

be willing to pay 10% increase, as they would get that back with one night's rental, if an auditorium could be secured for Austin.

MR. A. G. HAMILTON, 2704 West 49 $\frac{1}{2}$ Street, submitted a petition asking the Council to order City officials to desist from their present plans of constructing an open type ditch from Bull Creek Road back of the property facing West 49 $\frac{1}{2}$ Street to Finley Drive, as such a ditch would be dangerous to children; would cause the property which it adjoins to be washed away or flooded; would cause property to diminish in value without any resulting benefits to the owners; would be an eye sore and create a publicnuisance; would be a menace to health; that a covered drainage system would eliminate all objections and be more economical in maintenance. He said the situation was created by the opening up of two subdivisions across the road on Bull Creek. Councilman White inquired as to the depth and width. Mr. Hamilton stated it was 20' wide and 6' deep. Councilman Pearson had been out in the territory, and was familiar with the situation. He asked if the property owners had agreed to pay the \$3.88 to put the pipe in. Mr. Hamilton was not in favor of this. The City Manager outlined the whole situation from the time the easements were secured. He had submitted to the group an alternative as had been the policy of the Council for situations like this on private property, that if they would pay for the pipe the City would pay for the installation. This would require a 42" pipe, but the group would pay on the basis of a 36"; that this was what had been done in parallel cases. CAPTAIN KLEINHILDER submitted a statement that certain items had not been considered in the city's estimate, such as moving 6 utility poles, that 4,000 cubic yards of earth would have to be excavated and moved; that a road way would have to be dug in Finley Drive, since the machinery, bull dozers, etc., would have to operate in the easement; telephone connections would have to be disconnected. The City Manager had figures to present to the Council regarding the estimate, stating all the points Mr. Kleinhilder had suggested were considered in the estimate. The Council decided to wait a week on this; and Councilman Long moved that the City Manager be instructed to cease all operations until this is decided. The motion, seconded by Councilman White, carried by the following vote:

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

MRS. WEAVER, 5227 Ledesma, near Springdale Road, appeared asking that the City provide water for this area. Their wells had gone dry, or the water was unfit. One lady had seven families using water from her meter just to accomodate them. A report on the Ledesma area was made on August 26th. The City Manager read the report. Mrs. Weaver was asked to get the community to come in and put up water deposits. It was explained that 16 houses could be served; but if they were so spaced after that so as to require the City to go 300' to connect only two houses that could not be done. Councilman Pearson asked Mrs. Weaver to get in touch with the Water Superintendent and see if something satisfactory could be worked out.

MRS. MAXINE LOMBARD, Travis County Voters League, interested in the proposed budget, checked several requests to see if they were included. (1) She asked about the Recreational facilities in East Austin, with particular reference to Olive Street School and the old Anderson High Stadium. The City Manager stated the City was trying to work out with the schools a transfer of

property in connection with moving of Down's Field, and he saw no specific problems that would hinder the transfer, and the recreational program in this respect. (2) She requested paving in the east part of town. She had on file petitions for paving 160 blocks. She reported bad drainage and flooding during the last two rains. She inquired how the paving of the streets were determined. It was stated that the Council determined the streets to be included in a paving program based on the petitions on file. Councilman Thompson suggested devising a formula that would be based on population, traffic flow, use of streets, and the amount of taxes coming in from a particular area. Mrs. Lombard had all the petitions on file in her possession. She was asked to file them with the Public Works Department. She was interested mostly in the paving of East 19th, East 11th to Airport Blvd. It was explained East 19th was under contract by the Highway Department. Paving of the other streets depended upon receiving the petitions.

MR. SAM WINTERS, representing the Banks filed the following written appeal with the City Council asking it to review and adjust valuations placed upon the shares of stock for tax purposes:

"Austin, Texas
December 16, 1953

"To The Honorable Mayor and Council
of the City of Austin:

"The undersigned, constituting all of the banks, State and National, within the corporate limits of the City, respectfully file this appeal to the Council for a review and adjustment of the discriminatory valuations placed upon their respective shares of stock for municipal tax purposes.

"The delay in the presentation of this obvious injustice to the Council for amelioration has been occasioned by the fact that until late this fall it was generally understood that the City would adopt one hundred percent as the basis for all taxable values. It thereafter developed that time did not permit such complete reappraisal for the 1953 tax rolls and such reappraisal was abandoned as to all forms of property appearing on such rolls - bank shares only excepted.

"When it became apparent that no other form of taxable property would receive the one hundred per cent treatment, on November 17, officers of the five banks held an extended conference with the appropriate city officials in an effort to reach some mutually satisfactory solution. Thereafter, on December 11, the banks were advised that the matter was one to be dealt with by the City Council only.

"The situation requiring the remedial interposition of the authority of the Council is simply this: The valuation of bank shares for tax purposes commences at one hundred per cent; the valuation of all other property, real or personal, on the tax rolls begins at not more than seventy per cent. Such substantial and unwarranted discrimination is in direct conflict with the constitutional mandate that "taxation shall be equal and uniform."

"That this peculiar and unique inequity has not been sooner cured may possibly be accounted for by the fact that not until very recently have the banks so increased their capital accounts (the basis of valuations) that the

payment of municipal taxation has become burdensome.

"Whatever may have been the origin of the practice, the records in the office of the City Tax Assessor disclose that not only for the year 1953 but for many years prior thereto, there has been a continuous discriminatory valuation of the shares of local banks at a greater percentage of their true value than any other form of taxable property.

"The banks ask no greater right or privilege and are entitled to no more consideration than any other taxpayers. On the other hand, they are entitled to receive the same fair and just treatment accorded all other taxpayers - freedom from arbitrary assessment and freedom from discrimination - the application to them of the same uniform basis of valuation applied to all others.

"We are confident that this Council, being made aware for the first time of the undisputed facts, will hasten to correct this gross discrimination and grant the relief requested.

"Respectfully submitted,
THE AMERICAN NATIONAL BANK OF AUSTIN
By (Sgd) E.L.R. Wroe
Its President
THE AUSTIN NATIONAL BANK
By (Sgd) J. C. Dolley
Its President
THE CAPITAL NATIONAL BANK
By (Howard T. Cox (Sgd)
Its President
THE FIDELITY STATE BANK
By H. H. Luedecke (Sgd)
Its President
THE TEXAS STATE BANK
By (Sgd) J.V. Siegmund
Its President"

FANNIE MAE GANCY, Cedar Valley, asked that two traffic lights be included in the Budget--one at 19th and Airport, and the other at Webberville Road and Airport. The City Manager stated 12th and 11th and Airport were under consideration.

The Council had before it the following zoning :

WALTER S. MICHALK

5531 Burnet Road

From "C" Commercial
To "C-2" Commercial
RECOMMENDED by the
Planning Commission

The Mayor asked all who favor upholding the recommendation of the City Planning Commission to vote "aye"; those opposed to vote "no". Roll Call showed the following vote:

Ayes: None

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

The Mayor announced the change had been denied.

The Council then recessed until 2:00 P.M.

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Recessed Meeting

The Council convened at 2:00 P.M.

Councilman Thompson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the actual revenues received in the fiscal year of 1953 from the operation of various departments of the City have exceeded the estimated revenues for such department in the budget for said fiscal year; and,

WHEREAS, the resulting increased operating expenses and capitol investment will require expenditures during the fiscal year of 1953 in excess of the estimated expenditures in said budget, Now, Therefore,

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

That the estimated expenditures and revenues of the various departments' accounts of the City of Austin, as shown in the budget for the fiscal year of 1953, be and the same are hereby revised and adjusted in accordance with the columns in the proposed budget for the fiscal year of 1954, which show the estimated revenues and estimated expenditures for the fiscal year of 1953.

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

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

The Council had before it the ordinance originally zoning AREA 6. Councilman Long moved that the ordinance be amended to change the property at 1406 Fort View Road to "C" Commercial, 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

Mayor McAden then introduced the following ordinance as amended:

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 901-318, 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 Thompson moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

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

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

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

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

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

The Mayor announced the ordinance had been finally passed.

MR. HERBERT SMART, and MR. CARL STAUTZ appeared again in behalf of a special permit to permit a Car Parking Facility, 100 Block of East 9th Street, The matter of increasing the fire insurance premiums of adjacent property owners was still under consideration. The City Manager had further checking he wanted to do before he made a recommendation to the Council. The Council took no action at this time, and suggested that Mr. Smart and Mr. Stautz get with the City Manager and work out some conditions under which a special permit might be granted.

Councilman Thompson suggested that the Council, since it had a hearing on the budget, meet to discuss the budget further together. The Mayor called a meeting for this purpose for 10:00 A.M., Tuesday, December 22nd. Councilman Thompson suggested that the Department Heads be present.

Councilman Thompson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Mrs. Nunzie Campion has made application in writing for permission to maintain in her residence a day nursery school, complying with all City and State regulations, on Lot 1, Block 9, South Heights, in the City of Austin, Travis County, Texas, the same being on the south side of West Gibson Street and locally known as 901 West Gibson Street, 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 use and maintenance of a day nursery school at the location described above be granted to Mrs. Nunzie Campion.

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, 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 VALDEZ STREET, from a point 401 feet north of Felix Avenue, northerly 109 feet, the centerline of which gas main shall be 5.5 feet east of and parallel to the west property line of said VALDEZ STREET.

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

(2) A gas main in ROSEWOOD AVENUE, from a point 74 feet east of Walnut Street, easterly 103 feet, the centerline of which gas main shall be 7.5 feet north of and parallel to the south property line of said ROSEWOOD AVENUE.

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

(3) A gas main in RAMOS STREET, from Prado Street to Garwood Street, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said RAMOS STREET.

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

(4) A gas main in GARWOOD STREET, from a point 12 feet east of Pleasant Valley Road, easterly 1160 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said GARWOOD 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 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 Pearson, carried by the following vote:

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the property situated on the west side of South Congress Avenue as a private gasoline plant,

which property is owned by Archie C. Fitzgerald and designated as the Charles Blackwell Tract in the City of Austin, Travis County, Texas, and hereby authorizes the said Archie C. Fitzgerald 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 Archie C. Fitzgerald had failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
December 17, 1953

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

"Dear Sir:

"I, the undersigned, have considered the application of Archie C. Fitzgerald 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 South Congress Avenue, which property is designated as the Charles Blackwell Tract in the City of Austin, Travis County, Texas, and locally known as 4632 South Congress Avenue.

"This property is located in an "A" Residential District and I recommend that this permit be granted subject to the following conditions:

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

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

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

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

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

The motion, seconded by Councilman Pearson, 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, Moore Construction Company is the Contractor for the alteration of a building located at 700 Colorado Street and desires a portion of the sidewalk space abutting on Lots 5 and 6, Block 82, 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 Moore Construction Company, the boundary of which is described as follows:

Sidewalk Working Space

Beginning at a point on the west property line approximately 50 feet north of the southeast corner of the property; thence in an easterly direction and at right angles to the centerline of Colorado Street to a point four feet west of the west curb line; thence in a northerly direction and parallel with the centerline of Colorado Street approximately 30 feet to a point; thence in a westerly direction and at right angles to the centerline of Colorado Street to the west 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 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 the 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 21, 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 hereingranted 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 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 of 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 Pearson, 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, bids were received by the City of Austin on December 15, 1953, for Unclassified Excavation on various streets in the City of Austin, Texas; and,

WHEREAS, the bid of Raymond Canion in the sum of \$5,376.60 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Raymond Canion in the sum of \$5,376.60 be and the same is hereby accepted, and W. E. Seaholm, City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Raymond Canion.

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 PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL, APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE AND SECOND HEIGHT AND AREA DISTRICT ON A TRIANGULAR TRACT OF LAND CONTAINING APPROXIMATELY 2-1/2 ACRES, LOCALLY KNOWN AS THE 1500 BLOCK WEST 38TH STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS AND THE 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 Pearson, carried by the following vote:

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

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

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

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

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

The Mayor announced the ordinance had been finally passed.

Mayor McAden introduced the following ordinance:

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

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A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT ON A TRACT OF LAND BEING THE WEST 5 - 1/2 ACRES OUT OF OUTLOT 36, DIVISION A, LOCALLY KNOWN AS 2801-2913 WEBBERVILLE ROAD AND 2608-2704 LYONS ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS AND THE HEIGHT AND AREA MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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Noes: None

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

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

The Mayor announced the ordinance had been finally passed.

The Council received the following:

"December 12, 1953

"City Clerk of the City of Austin
City Hall
Austin, Texas

"Dear Sir:

"On behalf of Christian Army Mission, 1708 Willow Street, Austin, Texas, and as attorney for it, I wish you would file this letter with the City Council as a written appeal from the action of the City Manager, Mr. W. E. Seaholm, taken on December 2, 1953, denying the Christian Army Mission a permit for Solicitation in connection with the application filed by it with the City Manager on November 17, 1953. The basis of the appeal is that the action of

solicitation board is arbitrary, capricious and violative of the rights of the applicant.

"I wish you would file this appeal with the City Council and advise me the date of the hearing thereon.

"Very truly yours,
YELDERMAN & MARTIN
By (Sgd) Wm. Yelderma"

The Council set the appeal of the Christian Army Mission, 1708 Willow Street, for a permit to Solicit Funds at 11:00 A.M., December 23, 1953.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that it is necessary to extend Burnet Road, a public street in the City of Austin, from West 44th Street to West 42nd Street; and,

WHEREAS, the extension and development of said Burnet Road will provide four-way access to Rosedale Park for the residents of the area served by same; and,

WHEREAS, the City Council of the City of Austin has found and determined that the hereinafter described tract of land is suitable for such purpose, and that it is necessary to acquire said land for such street; and,

WHEREAS, the City of Austin has negotiated with the owner of such land and has been unable to agree with such owner as to the fair cash market value thereof; Now, Therefore,

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 file or cause to be filed against all owners and lienholders, a suit in eminent domain to acquire fee simple title for said purpose to the following described tract of land:

2394 square feet of land, more or less, same being out of and a part of the south one-half of Lot 2 of Lewis Hancock Subdivision, a subdivision of a portion of the George W. Spear League in the City of Austin, Travis County, Texas, according to a map or plat of said Lewis Hancock Subdivision of record in Book 2, page 133, Plat Records of Travis County, Texas, all of said Lot 2 having been conveyed to Hobson Dye by warranty deed dated September 30, 1922, of record in Volume 343, page 47, Deed Records of Travis County, Texas, the north one-half of said Lot 2 having been conveyed by Hobson Dye, et ux, to James E. Dye by correction deed dated December 28, 1922, of record in Volume 419, at page 41, Deed

Records of Travis County, Texas, which 2394 square feet of land is more particularly described by metes and bounds as follows:

BEGINNING at a steel pin at the point of intersection of the proposed east line of Burnet Road with the north line of the said Hobson Dye tract as now fenced, and from which point of beginning a concrete monument at the point of intersection of the centerline of West 44th Street with the centerline of Burnet Road bears N. 30° 10' E. 254.15 feet and N. 59° 05' W. 25.00 feet;

THENCE with the proposed east line of Burnet Road, S. 30° 10' W. at 92.55 feet pass an iron stake in all a distance of 93.25 feet to a point on the south fence line of the said Hobson Dye tract;

THENCE with the south fence line of the said Hobson Dye tract N. 59° 13' W. at 24.80 feet pass an iron stake, in all a distance of 25.20 feet to the southwest fence corner of the said Hobson Dye tract;

THENCE with the west fence line of the said Hobson Dye tract N. 29° 33' E. 93.06 feet to the northwest fence corner of the said Hobson Dye tract;

THENCE with the north fence line of the said Hobson Dye tract, S. 59° 34' E. 26.20 feet to the point of beginning.

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 PERPETUALLY VACATING AND CLOSING A PORTION OF ARROYA SECA, AS SHOWN ON THE PLAT OF CRESTVIEW ADDITION, SECTION 2, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, WHICH PLAT IS OF RECORD IN BOOK 5, AT PAGE 13 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; AND SUSPENDING THE ORDINANCE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

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

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

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The

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

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

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

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

The Mayor announced the ordinance had been finally passed.

The Council set the following zoning requests for public hearing as follows:

Set for public hearing for JANUARY 7th, 1954:

| | | |
|-----------------------|---|--|
| MISS FLORENCE STULKEN | 4900 Burnet Road Portion of Lot 28, Walling Place | From "A" Residence To "C" Commercial 6th Hgt & Area RECOMMENDED by the Planning Commission |
|-----------------------|---|--|

Set for public hearing for JANUARY 14th, 1954:

| | | |
|--------------|---|--|
| S.Z. SKINNER | 3900 Blk Camp Mabry Road Lots 1,2,3,4, 5,6,7,8,9,Blk. A,Skinner Subd. | From "A" Residence To Co C ur Commercial NOT Recommended by the Planning Commission |
|--------------|---|--|

| | | |
|--------------|--|--|
| R.G. MUELLER | 1700-04 W.35th Lots 1,2,3, Blk., 7,Oalmont Hgts. | From "C" Commercial To "C-1" Commercial RECOMMENDED in part by the Planning Commission |
|--------------|--|--|

| | | |
|-------------|---|--|
| TOM SALUDIS | 319 So. Lamar Ne Cor.Sb. Lamar Blvd & Butler Rd. | From "C-1" Commercial To "C-2" Commercial RECOMMENDED 6th Hgt. and area by the Planning Commission |
|-------------|---|--|

INTERREGIONAL HIGHWAY
AREA

THURMAN, MACE B.JR.
HEWLETT, J.T.
RHODES, R. L.

Railroad at
Delwood north to
New Manor Road
1. Pt.Lot 42,Duval
Hgts.5600 & 5700
blks,Interregion-
al Hwy.

From "A" Residence
To "C" Commercial
6th Hgt & Area
RECOMMENDED by the
Planning Commission

SCHIEFFER, WATT

2. Pt.Lots 4,5 & 6
Mrs.Lou Hill Subd.

From "A" Residence
To "C" Commercial

| | | |
|--|--|--|
| THURMAN, MACE B., JR. HEWLETT, J. T. RHODES, R. L. | 3. 5300, 5400, 5500, 5600 & 5700 Blks. Interregional Hwy. Pt. Lots 41 & 42, Duval Hghts. 5600 & 5700 Blks Interregional Hwy. | 6th Hgt. & Area RECOMMENDED by the Planning Commission From "A" Residence To "C" Commercial 6th Hgt. & Area RECOMMENDED by the Planning Commission |
| KNAPE, JUNIE C. & WOODROW W. | 4. Lots 2, 3 & west 7.42 of Lot 4, Blk N, Ridgetop Addition 1009-1022 E. 53rd St. & 5201-13 Inter- regional Hwy. | From "A" Residence To "C" Commercial RECOMMENDED by the Planning Commission |
| BACHOFEN, MAX | 5. Lots 3 & 4, Alice Miller Resubd. of Lot 3, Blk. L, Ridge- top Addn., 1011 & 1013 E. 51st St. | From "A" Residence To "B" Residence or From "A" Residence To "C" Commercial Any Hgt. & Area desig- nation provided in the Zoning Ordinance RECOMMENDED by the Planning Commission |

Set for public hearing on JANUARY 28th, 1954:

| | | |
|-------------------|---|--|
| JAY BROWN | 3117 Lamar Blvd. Lots 82 & S. 9' of 81, OL 72, Div. D, Oakwood Subd. | From "C" Commercial To "C-1" Commercial NOT Recommended by the Planning Commis- sion |
| W. E. PHILLIPS | 1211 Chicon Lot 10, OL 34, Blk. 1, SE Cor. | From "C" Commercial To "C-2" Commercial RECOMMENDED "C-1" 6th Hgt. & Area by the Planning Commission |
| LLOYD SHEFFIELD | 1170 San Bernard Pt. of Lot 2, OL 56, Div. B, Blk 6 | From "A" Residence To "C" Commercial RECOMMENDED 6th Hgt. & Area by the Planning Commission |
| BLAKE HUNTER | 2107 E. 14th Lot 7, OL 34, Blk 6, Div. B | From "A" Residence To "B" Residence RECOMMENDED by the Planning Commission |
| BRYANT M. COLLINS | N. of Anderson Lane W. of Lamar Blvd. 2 tracts | From "A" Residence To "C" Commercial RECOMMENDED Tract 1 only at this time by the Planning Commission |

Set for public hearing on FEBRUARY 11, 1954:

AREA 13 - St. John's Area
AREA 14 - University Airport

On the City Planning Commission request, pertaining to the zoning at 3406 Jefferson Street from "C-1" to "C", the Council asked the City Attorney to clarify, and a date would be set next week.

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 Thompson 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 Thompson 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 Thompson 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 PERPETUALLY VACATING AND CLOSING A PORTION OF GARNER AVENUE LYING NORTH OF THE NORTH LINE OF HETHER STREET AND SOUTH OF THE SOUTH LINE OF BAUERLE AVENUE, AS SHOWN ON A MAP OR PLAT OF WEST END ADDITION, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, WHICH PLAT IS OF RECORD IN BOOK 1 AT PAGE 105 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS; AND SUSPENDING THE ORDINANCE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

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

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

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

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

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Long, 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 City Manager presented the following Bond:

THE STATE OF TEXAS

COUNTY OF TRAVIS

KNOW ALL MEN BY THESE PRESENTS: That we, First-Austin Investment Corporation, a private corporation duly organized and existing under and by virtue of the laws of the State of Texas, with its principal place of business in the City of Austin, Travis County, Texas, as principal, and W. H. Bullard and W. E. Biggs, of Travis County, Texas, as sureties, are held and firmly bound unto the City of Austin, a municipal corporation, of Travis County, Texas, in the penal sum of TWENTY THOUSAND AND NO/100 DOLLARS (\$20,000.00), good and lawful money of the United States, to the payment of which, well and truly to be made, we hereby bind ourselves, our heirs, executors, administrators and successors firmly by these presents as follows:

The condition of the above obligation is such that, whereas, the above-bounden principal, First-Austin Investment Corporation, has filed with the City of Austin, Travis County, Texas, Obligee, the proposed plat for a certain subdivision to be known as "Highland Village, Section Two, Part Four," being a part of the George W. Spear League in the City of Austin, Travis County Texas, the dedication and acknowledgement of said plat being dated October 19, 1953; and, whereas, under the provisions of the Subdivision Ordinance of the City of Austin, principal is required to construct or install within the proposed subdivision all standard city water mains, fire plugs, sanitary sewer mains and connections and is required to construct all streets within such subdivision complete with curbs and gutters, with gravel base and asphalt topping; and, whereas, specifications and estimates covering all of such work have been prepared:

Now, if the above-bounden principal, its successors and assigns, shall well and truly keep, do and perform each and every, all and singular, the premises matters and things in regard to said subdivision set out in the Subdivision Ordinance of the City of Austin and in accordance with the specifications and estimates heretofore prepared and in accordance with such Ordinance, within one year of the date hereof, and shall pay over and make good and reimburse to the above named obligee, all loss and damage which said obligee, or the public represented by the obligee, may sustain by reason, of any failure or default on the part of said principal, then this obligation shall be null and void; otherwise to be and remain in full force and effect until said principal shall be released from any further responsibility under this obligation by instrument in writing executed by the duly constituted official of the City of Austin, Texas.

No alterations made by agreement by and between the said First-Austin Investment Corporation, and the said City of Austin, in the terms of this obligation, or the nature of the work to be done, and no agreement given to said First-Austin Investment Corporation, or its successors or assigns, and no extension of time for performing the said obligation, or any of the stipulations therein contained, and on the part of the said First-Austin Investment Corporation to be performed, and no forbearance on the part of the City of Austin to the said First-Austin Investment Corporation, its successors and assigns, shall in anyway release the said First-Austin Investment Corporation, or the sureties in this bond, until and unless the City of Austin, has indicated its final acceptance of the work in this bond as above set out.

EXECUTED this 16th day of December, 1953.

FIRST-AUSTIN INVESTMENT CORPORATION
BY (Sgd) Robert L. Smithers
Vice-President

ATTEST:
(Sgd) Clarice Hinesley
Ass't Secretary

(Sgd) W. H. Bullard
W. H. Bullard
(Sgd) W. E. Biggs
W. E. Biggs

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned, a Notary Public in and for said County

and State, on this day personally appeared Robert L. Smithers, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said FIRST-AUSTIN INVESTMENT CORPORATION, a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 16th day of December, 1953.

(Seal)

(Sgd) Ruthe Duncan
Notary Public in and for
Travis County, Texas

THE STATE OF TEXAS
COUNTY OF TRAVIS

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared W. H. BULLARD and W.E. BIGGS, known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 16th day of December, 1953.

(Seal)

(Sgd) Ruthe Duncan
Notary Public in and for
Travis County, Texas

(This bond on file under SURETY BONDS in the City Clerk's Office.)

Councilman Pearson moved that the Council accept this particular bond. The motion, seconded by Councilman White, carried by the following vote:

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

Councilman Pearson moved that the City Attorney be instructed to draw up an amendment that will delete the "personal bonds", requiring the regular "Surety bonds" only. The motion, seconded by Councilman White, carried by the following vote:

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

The Mayor stated in his opinion the Board of Equalization had done an excellent job. Councilman Thompson moved that MR. NABORS, MR. MOORE, AND MR. THOMPSON be commended for doing a great service to the City Government of Austin as conducted in the year 1953, and requested that a copy of this commendation be sent to each member. The motion, seconded by Councilman Long, carried by the following vote:

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

The Tax Assessor and Collector explained the request of the Banks that the Council review and adjust valuations placed on their shares of stock for tax purposes. The Tax Assessor outlined the manner in which taxes were assessed throughout the city.

Discussion of the appeals of E. D. BOLM, JAMES P. YEATES, and C. B. FITZPATRICK was held, with the City Attorney explaining the appeals. The Tax Assessor and Collector submitted the following figures he recommended to the Council, and explained his justification in recommending them:

| | Value set by Tax Department | Value Claimed by owner | Value set by Board of Equalization | Value recommended to Council |
|--|-----------------------------------|------------------------------|--|---------------------------------|
| <u>Bolm Building</u> | | | | |
| Land | 3,720.00 | 4,091.00 | 3,720.00 | 3,720.00 |
| Improvements | 66,280.00 | 35,659.00 | 63,920.00 | 54,070.00 |
| <u>Robert E. Lee Hall</u> | | | | |
| Land | 12,620.00 | 10,227.00 | 12,620.00 | 12,620.00 |
| Improvements | 183,060.00 | 88,636.00 | 155,600.00 | 125,680.00 |
| Personal - | | | | |
| Fur.&Fixt. | 5,750.00 | 3,550.00 | 5,750.00 | 3,850.00 |
| Machinery & Equip. Air Conditioning | 15,160.00 | 7,550.00 | 14,760.00 | 11,490.00 |
| <u>Austin Laundry & Dry Cleaning Company</u> | | | | |
| Land | 38,440.00 | 40,909.00 | 38,440.00 | 38,440.00 |
| Improvements | 94,580.00 | 27,272.00 | 75,390.00 | 55,280.00 |
| Personal | 91,660.00 | 24,096.00 | 84,010.00 | 71,690.00 |

He stated the Attorney and these gentlemen were agreeable to the recommended values, with the exception of the Personal values of the Austin Laundry and Dry Cleaning Company, which he recommended as \$71,690.00 and which the owners claimed \$24,096.00

Councilman Pearson left the Council Room at this time.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Board of Equalization of the City of Austin has certified its approval of the tax assessment rolls and records of the City of Austin for the 1953, and has forwarded the same to the City Council; and,

WHEREAS, said tax assessment rolls appear in all respects to be in correct form and prior to their submission the valuations of property shown in said rolls have been examined and corrected in the manner provided by law and ordinances of the City of Austin by the Board of Equalization; Now, Therefore,

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

That subject to such readjustments as may be found necessary by reason of appeals from the Board of Equalization now pending before the City Council, the tax assessment roll, showing a total amount of \$218,589,780.00 taxes for said year, and the tax assessment roll showing the total value of \$2,607,340.00 valuation of the property lying within and assessed by the City for School purposes only for said year, be and the same are hereby approved and adopted.

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

Ayes: Councilmen Long, Thompson, White, Mayor McAden

Noes: None

Absent: Councilman Pearson

The Mayor announced that the Telephone Company would be heard at 10:00 A.M., January 6, 1954.

Councilman White's motion regarding holidays for city employees for 1954 was not acted on, but postponed until the next day.

The Council recessed until 10:00 A.M, December 18th.

APPROVED


Mayor

ATTEST:


City Clerk