

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 24, 1954

10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor McAden presiding.

## Roll Call:

Present: Councilmen Long, Pearson, Thompson, White, Mayor McAden.

Absent: None

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

Invocation was delivered by REV. A. L. DENNIS, First Nazarene Church.

Pledge of Allegiance to the Flag.

Councilman White moved that the Minutes of November 18th be approved. The motion, seconded by Councilman Pearson, carried by the following vote:

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

Noes: None

MR. FRANKE appeared before the Council making inquiry of the paving of Newning Avenue. The City Manager stated the culvert on Riverside Drive would be rebuilt and was set up in the Budget, but there was no paving planned at this time. Councilman Pearson suggested that Mr. Franke keep in touch with the development during 1955; and if there was something done about street paving to get as many signed up as possible.

Councilman White offered the following resolution and moved its adoption:

## (RESOLUTION)

WHEREAS, by instrument dated February 11, 1911, and the plat or map accompanying the same, J. Talbot La Prelle subdivided certain property as shown on said map or plat, now known as "La Prelle Place", an addition in the City of Austin, Travis County, Texas, all as shown of record in Book 2, page 215 of the Plat Records of Travis County, Texas, to which reference is made; and

WHEREAS, Rosa F. La Prella and husband, John La Prella, thereafter, by instrument dated June 19, 1928, and the map or plat accompanying same, of record in Book 3, page 144 of the Plat Records of Travis County, Texas, re-subdivided Blocks 4, 5 and 6 of the aforesaid subdivision known as La Prella Place, the same being designated and known as a resubdivision of a portion of La Prella Place, and the record thereof being here referred to for all purposes; and

WHEREAS, the dedication of La Prella Place and the resubdivision of a portion thereof, above referred to, provide that it was not the purpose of the subdividers to dedicate to the general public any of the streets or alleys thereon shown, but that the use of said streets and alleys was dedicated to those who purchased property abutting on said streets and alleys, and to their heirs and assigns for the purpose of ingress and egress to the lot or lots so purchased by them; and

WHEREAS, for more than twenty years the City of Austin has maintained at public expense and for the benefit of the public all of the streets and alleys in La Prella Place, during all of such period the City of Austin has exercised exclusive control of all of said streets and alleys for the benefit of the public; and

WHEREAS, it is the opinion of the City Council that by such acts of the City, a right of use of all of said streets and alleys has been acquired by the general public; and

WHEREAS, by instrument dated May 31, 1954, May La Prella Price, Martha La Prella Edens and J. Talbot La Prella have formally dedicated to the public certain of the streets and alleys in said subdivision; Now Therefore

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

That the formal dedication of streets and alleys in La Prella Place contained in such instrument dated May 31, 1954, be and the same is hereby accepted.

STREET DEDICATION AND WAIVER OF REVERTER PROVISIONS

STATE OF TEXAS     )  
                              )  
COUNTY OF TRAVIS )

WHEREAS, by instrument dated February 11, 1911, and the map or plat accompanying same, J. Talbot La Prella subdivided certain property as shown on said map or plat, now known as "La Prella Place", an addition in the City of Austin, Travis County, Texas, all as shown of Record in Book 2, page 215, of the Plat Records of Travis County, Texas, to which reference is made; and

WHEREAS Rosa F. La Prella and husband John La Prella thereafter, by instrument dated June 19, 1928, and the map or plat accompanying same, of record in Book 3, page 144 of the Plat Records of Travis County, Texas, re-subdivided Blocks 4, 5 and 6 of the aforesaid subdivision known as La Prella Place, the same being designated and known as a resubdivision of a portion of La Prella Place, and the record thereof being here referred to for all purposes; and

WHEREAS the dedication of La Prella Place and the resubdivision of a portion thereof above referred to expressly provide that it was not the purpose or intention of the subdividers to dedicate to the general public any of the streets or alleys thereon shown; but that the use of said streets and alleys was dedicated to those who purchased property abutting on said streets and alleys and to their heirs and assigns for the purpose of ingress and egress to the lot or lots so purchased by them, and that it was the intention and purpose of the dedicators to retain the fee in said streets and alleys; and

WHEREAS May La Prella Price, a feme sole, Martha La Prella Edens, a feme sole, and J. Talbot La Prella being the sole and only heirs of Rosa F. La Prella and husband John La Prella, and being the children and only children of either of them, and desiring to formally dedicate said streets and alleys, as public streets and alleys, except as below provided;

NOW THEREFORE in consideration of the premises and for the consideration of the sum of Ten and No/100 Dollars (\$10.00) cash and other good and valuable consideration, the receipt of which is hereby acknowledged, the said May La Prella Price, Martha La Prella Edens and J. Talbot La Prella do hereby dedicate to the use of the public forever, the streets and alleys shown on the map or plat of the aforesaid addition known as La Prella Place and the resubdivision of Blocks 4, 5 and 6 thereof, as said streets and alleys now exist and as shown by the map or plat of said La Prella Place recorded in Book 2, page 215 of the Plat Records of Travis County, Texas, together with and in conjunction with the map or plat of said resubdivision recorded in Volume 3, page 144 of the Plat Records of said county, to which plats reference is made for all purposes; PROVIDED HOWEVER, that there are excepted and excluded from this dedication those portions of Bartlett Street as designated on the aforesaid Plats which lie between

- 1) The East line of Euclid Avenue as extended to West Live Oak Street, and the West line of the 15 foot alley in Block 3, La Prella Place as extended to West Live Oak Street;
- 2) The East line of the 15 foot alley in Block 3, La Prella Place as extended to West Live Oak Street, and the West line of Lindell Avenue as extended to West Live Oak Street;
- 3) The East line of Lindell Avenue as extended to West Live Oak Street, and the West line of South Congress Avenue as presently located; and
- 4) The East line of South Congress Avenue as presently located, and the West line of College Avenue as extended to East Live Oak Street;

as to which excluded portions of Bartlett Street this dedication shall have no application, and shall remain the same as though this dedication had not been made.

AND WHEREAS by Warranty Deed dated February 28, 1911, recorded in Volume 245, page 146 of the Deed Records of Travis County, Texas, to which reference is made, J. Talbot La Prella conveyed to T. J. Bennett Lot 25 in Block 3 in La Prella Place according to the map or plat of said addition above referred to, subject to certain restrictions as set out in said deed;

and by Warranty Deed dated June 12, 1920, recorded in Volume 320, page 342 of the Deed Records of Travis County, Texas, to which reference is made, Rosa F. La Prelle and husband John La Prelle conveyed to H. C. Greer the south half of Lot 27 in Block 3 in La Prelle Place in accordance with the said map or plat thereof, subject to similar restrictions, covenants and conditions; and

WHEREAS it is expressly provided in each of the two deeds above mentioned that the restrictions, covenants and conditions therein shall run with the property conveyed by said deeds, that the same shall be binding on all subsequent owners of said property however remote, and that should any of said conditions, restrictions and covenants be violated at any time, the property conveyed by said deeds shall revert to the grantors in said deeds, their heirs or assigns; and

WHEREAS such forfeiture and reverter provisions referred to in the paragraph immediately preceding are obsolete and no longer serve a useful purpose, and the owners of property in La Prelle Place and the resubdivision thereof referred to above have a full, complete and adequate remedy at law and in equity for violations of such restrictions, conditions and covenants, should the same be held to be valid, binding and effective; and it is the desire of the undersigned to abrogate, set aside and release the forfeiture and reverter provisions above mentioned as contained in the two deeds above referred to;

NOW THEREFORE the said May La Prelle Price, Martha La Prelle Edens and J. Talbot La Prelle, in consideration of the premises and for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) cash and other good and valuable consideration to them in hand paid by Margaret Starr Kinane, a widow, the present owner of Lot 25, and the south half of Lot 27, Block 3, La Prelle Place, in Austin, Travis County, Texas, according to the plat of said addition recorded in Volume 2, page 215 of the Plat Records of said county, do hereby abrogate, set aside and release the said property owned by said Margaret Starr Kinane from the reverter and forfeiture provisions above referred to as set out in the deeds recorded in Volume 245, page 146 and Volume 320, page 342 of the Deed Records of Travis County, Texas, being the two deeds above referred to, and to which reference is made for all purposes. And for the same consideration we do hereby quitclaim unto the said Margaret Starr Kinane all and each of our right, title and interest in and to said Lot 25 and the south half of Lot 27, Block 3, La Prelle Place; to have and to hold unto the said Margaret Starr Kinane, her heirs and assigns forever.

In testimony whereof we have hereunto set our hands this the 31st day of May, 1954.

(Sgd) May La Prelle Price  
May La Prelle Price, a feme sole  
(Sgd) Martha La Prelle Edens  
Martha La Prelle Edens, a feme sole  
(Sgd) J. Talbot La Prelle  
J. Talbot La Prelle

STATE OF TEXAS     )  
COUNTY OF TRAVIS )

BEFORE ME, the undersigned authority, on this day personally appeared May La Prelle Price, a feme sole, known to me to be the person whose name is

subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 31st day of May, 1954.

(Seal)

(Sgd) J. C. Baylor  
Notary Public in and for  
Travis County, Texas

STATE OF CALIFORNIA     )  
COUNTY OF LOS ANGELES   )

BEFORE ME, the undersigned authority, on this day personally appeared Martha La Prella Edens, a feme sole, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 3rd day of June, 1954.

(Sgd) Signature not clear  
My com. exp. 3/16/56

(Seal)

STATE OF TEXAS     )  
COUNTY OF         )

BEFORE ME, the undersigned authority, on this day personally appeared J. Talbot La Prella, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 7th day of June, 1954.

(Sgd) Ben Levin  
Notary Public in and for McLennan  
County, Texas

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

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

Pursuant to published notice thereof the following zoning application was before the Council:

NELSON PUETT &  
W. W. WHITE

1605-07 West 35th  
Street

From "A" Residence  
To "C" Commercial  
NOT Recommended  
RECOMMENDED "O" 6th H&A

Councilman Long moved that action on this zoning application be postponed for two weeks, and requested that the City Clerk notify the people of this hearing. (December 9) The motion, seconded by Councilman Pearson, carried by the following vote:

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

Councilman Thompson suggested that the Mayor appoint a Committee from the Council to study the procedures of the Planning Commission and see if something could be done about speeding up the matter of getting these applications through that commission. The City Attorney stated there was now a provision in the zoning ordinance that final action would be taken by the Council within 30 days from the time an applicant files his application; but due to the time required for legal publications, it was not possible to get this done in the time. He suggested that the Council give the City administration the authority to set the hearing, and thus speed the time up. The City Manager recommended this procedure. Councilman Pearson moved that the City Manager be given the authority to set the date of public hearing for zoning changes. The motion, seconded by Councilman White, carried by the following vote:

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

Councilman Pearson wanted continued notice of these hearings so that the Council could make the necessary inspections of the property before hand and not have to delay acting on them after the date of hearing.

Councilman Thompson moved that the following policies be adopted:

**POLICIES TO GUIDE THE AUSTIN PUBLIC SCHOOLS ADMINISTRATION AND THE CITY ADMINISTRATION IN THE JOINT USE AND DEVELOPMENT OF SCHOOL AND RECREATION FACILITIES**

All individuals need recreation for full living. It is a basic need of life. Through recreation activities, energies and emotions are released; man's creative and social nature are expressed; and man's desire for adventure and competitive spirit find outlets. Because recreation is a universal need, the use of all community resources are needed for facilities to conduct the program.

To best provide these opportunities for recreation, planning and organization are necessary between the Austin Public Schools and the City of Austin's Department of Recreation. To facilitate this cooperation, mutually accepted policies are desirable. This will assure continuity and permanency of the program. Following are policies on purchase of sites, planning new construction, joint use of buildings and grounds, and programs:

**A. PURCHASE OF SITES**

It is desirable that the neighborhood playgrounds be built adjacent to and as a functional part of elementary school grounds. The following policies are to be followed where the school authority and the City authority are jointly concerned in the purchase of a new site.

**POLICIES**

1. The selection of each tract of land to be purchased will be made by the school authority, however, the needs of the City authority shall be kept in mind in selecting the site.

In selecting the school and playground site, consideration should be given the following factors:

- a. The size of the grounds should be as near 12 acres as possible.
  - b. The topography of the ground.
  - c. The anticipated density of the population.
  - d. The accessibility of the grounds for play purposes.
2. The adaptability of the site for recreation purposes will be finally determined by the City authority.
3. An option or contract to purchase the site is to include the portion to be bought by the school and the City authority. Each authority shall pay one-half of the purchase price.
4. Notification of location of each site and plan to purchase shall be made in writing to the City Manager with copies to the Director of Planning and the Director of Recreation.

#### B. PLANNING NEW CONSTRUCTION

Although the school authority has the principle responsibility for the planning of the school building, some guiding principles for the planning of the building for joint use have been developed by the American Association of School Administrators and the National Recreation Association.

1. In so far as possible, the following principles will be used in developing the school buildings.

##### POLICIES

- a. All public school buildings, located where public provision should be made for community recreation facilities, should be planned and constructed to serve effectively not only the requirement of the school program, but also where practical and additional expenditures are not necessary the needs of all the people of the neighborhood and community for a broad recreation program.
- b. Authorities responsible for administering community recreation activities to be provided in the school buildings should be consulted in the planning of those facilities intended for community recreation use.
- c. In meeting neighborhood recreation needs many of the facilities provided for the school program may be effectively used, such as the gymnasium, auditorium, music, shop and speech rooms, library and play room, and classrooms with removable seats.
- d. Facilities designed for community recreation use should be grouped in so far as practical in one area of the school building. Such functional arrangements as limits access to other parts of the building, making possible efficient control, and economical maintenance and operation should be considered.
- e. Recreation facilities in school buildings should be situated adjacent to the outdoor recreation areas. Direct access from parking areas and from the street should be provided.

- f. Whenever a school building is designed for community recreation use, such should be recognized as an important function of the building and not merely as incidental or unessential. A plan of operation should be worked out so that community use will in no way interfere with regular school use, but use of the school by the community should be made attractive and convenient.

2. Where buildings can be made to serve a special need beyond that of the school, by some major addition, the City authority shall provide additional funds. Example: Enlarging a playroom into a gymnasium, larger than needed for a particular school.

3. As the school authority has the final responsibility of planning the building the recreation authority shall have the responsibility of planning the grounds, such plans being subject to the approval of the school authorities.

- a. The grounds shall be planned as one unit.
- b. The grounds shall be planned to mutually serve both authorities.
- c. School and recreation authorities, supervisors, and teachers shall have a share in the planning.
- d. The City landscape engineer shall provide the basis planting plan for the entire area.
- e. The school authority will pay the cost of development as it effects their part of the site on such items as : grading, fencing, water system, and sodding.
- f. The City authority shall pay the cost of development of all play facilities.
- g. The standard of construction will mutually be agreed upon.

#### C. USE OF BUILDINGS AND GROUNDS

The two authorities enjoy the privilege of the joint use of the facilities that belong to the school authority and the recreation authority when it does not interfere with the purposes for which the facility was designed. A clear example of the mutual use of school and recreation facilities is shown in Exhibit "B".

#### POLICIES:

##### 1. Custodial services at school buildings:

- a. A school custodian shall attend all buildings used by the recreation authority when more than a specific part of the building is open to the participants. Example: When the playroom at Fulmore School is in use for a dance the hallways of the building must be open for the use of the rest rooms.
- b. A school custodian will not be required to be present when a specific part of a school building is in isolated use as part of a playground operation for example; The Brentwood School and playground operation will include the use of rest rooms and play room, with all other parts of the building closed off.
- c. When the recreation program is in progress and the custodian is still on school time, there shall be no charge to the recreation authority.



- d. The custodian will be paid at the hourly rate agreed upon annually.
  - e. The custodian will be paid a minimum fixed rate for an evening program for the first two hours or fractional part thereof where he is required to return to the building following the close of the school day.
  - f. Time of services shall begin at the time of opening the building and extend a sufficient period of time beyond the close of the activity to allow for cleaning up for the following day. Opening and closing hours shall be specifically agreed upon before services are rendered.
  - g. When a sustained recreation program is in progress at a school for four to five nights per week throughout the school year, it may be necessary to hire a part-time custodian. A straight monthly rate of pay shall be agreed upon by both authorities.
  - h. The maintenance and repair of the school buildings shall be assumed by the school authority, except when damage to the building is unusual and is a result of the recreation program.
  - i. The power and water is to be furnished by the city authority.
  - j. The heat is to be furnished by the school.
2. Custodial services at recreation buildings:
- a. When the school authority uses a recreation building, the custodian will be paid an hourly wage agreed upon, unless the custodian is still on the recreation authorities' time.
3. Groundskeepers on the school playground jointly separated.
- a. The watering of those parts of the school playground used for the recreation program will be done by the recreation authority. For example, on the new school playground developments, where it is planned to install an irrigation system. Water is to be pumped from a junior swimming pool on the grounds. This work is to be done at night.
  - b. The mowing of the grass at the school playgrounds areas jointly separated by the two authorities will be done by the city. However, the trimming, watering and hand mowing of the area immediately adjacent to the school building shall be done by the school authority.
4. House Park
- a. The House Park Baseball Diamond shall be maintained by the recreation authority during the summer months and maintained during the school year by the school authority.
  - b. The House Park Baseball Grandstands shall be maintained equally by both authorities.
5. Downs Field
- a. The school authority shall help defray the cost of Downs Field during the Spring when it is used for the Anderson High School Baseball Program. The cost will be mutually agreed upon.
  - b. The school authority shall maintain Downs Field during the Fall when it is used for a football practice field.

## D. PROGRAM

Organized recreational activities are educational and contribute to the development of the individual. To best conduct the recreation program, some phases can be closely integrated with the school program; and others can be organized through the assistance of the school personnel.

1. When the use of a given facility is permitted one authority, the other authority shall not permit an interference with the program, unless such interference is that for which the facility was primarily designed and constructed. Example: If the recreation authority grants permission to the school authority the use of Downs Field for the Anderson High School Baseball team, then priority in the scheduling of Downs Field should be given the Anderson High School.

2. All use of school buildings, their care and scheduling shall be subject to approval of the Superintendent of the Public Schools.

## EXHIBIT B:

## I. Recreation Facilities used by the Schools:

<u>Facility</u>	<u>Use</u>	<u>Extent</u>
1. Austin Athletic Club	Tennis courts and dressing room	All school days until 5 p.m. (Schools hard surfaced 3 tennis courts, and the Recreation Dept. furnishes nets and lines courts)
2. Caswell Tennis Center	Tennis courts	Top member of tennis team
3. Palm Playground	Play Area	Good weather school days all year
4. City Coliseum	Basketball	High school varsity basketball games and some practice
5. East Avenue Playground	Play Area	Good weather schools days all year.
6. Steel frame bleachers	Seating	During football season at House Park
7. Doris Miller Auditorium		Occasional
8. Downs Field		For high school baseball team

## II. School Facilities Used by the Recreation Department

1. Metz School	Playroom and auditorium	Five days per week during school year
2. Allan Junior High	Gymnasium	Basketball

3. Zavala	Playroom	Five days per week during school year
4. University Junior High	Gymnasium	Basketball
5. Austin High	Gymnasium	Basketball
6. Fulmore School	Playroom and Gymnasium	Every Friday and Saturday night
7. Baker School	Playroom and gymnasium	Occasional
8. Blackshear School	Playrooms and grounds	Weekday mornings during the summer for a play center
9. Campbell School	Playroom and grounds	Weekday mornings during the summer for a play center

Several school auditoriums are used for Children's Theatre productions, Audubon Screen Tours, etc.

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

The City Council received the following:

"November 10, 1954

"Mr. Walter Seaholm  
 City Manager  
 Austin, Texas

"Dear Mr. Seaholm:

"At the meeting of the School Board on November 8, the cooperative agreement with the City Recreation Department was approved by the Board of Education. I am passing this information on to you so that it may be presented to the City Council. I am also enclosing a copy of the instrument passed by the Board.

"We are glad to enter into such an agreement and to work with the city government. We feel that by such a cooperative effort we can better serve the people of Austin.

"Sincerely yours,  
 (Sgd) Irby B. Carruth  
 Superintendent"

No action was taken on accepting the bids of the American Hospital Supply Corporation for patient room furniture and equipment for Brackenridge Hospital. Councilman Long stated the tabulation received by the Council did not show anything but the one recommended, and she wanted a tabulation of bids by the other companies that bid. The City Manager stated the others did not meet the specifications and were not included in the tabulation with those bidding on SIMMONS. This a joint venture with the State Health Department, and they concurred in these bids. Councilman Long asked that the City Manager furnish a tabulation of the others that were received bidding on equipment other than Simmons.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

That W. E. Seaholm, City Manager, be and he is hereby authorized and directed to execute a Pipe Line Canal Crossing License on behalf of the City of Austin with Guy A. Thompson, Trustee, International-Great Northern Railroad Company, Debtor, for the purpose of installing, maintaining and using a 20-inch water line crossing at Engineer's Chaining Station 25/70 at or near Austin, Travis County, Texas, in accordance with the terms and provisions of said License Agreement, dated November 11, 1954, as exhibited to the City Council by the City Manager; and,

BE IT FURTHER RESOLVED:

That the City Clerk is hereby authorized and directed to place and keep an executed copy of said Pipe Line and Canal Crossing License in the permanent files of the City Clerk's office.

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, 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 SYLVAN DRIVE, from a point 12 feet east of Summit Street easterly and southerly to a point 22 feet north of Woodland Avenue, the centerline of which gas main shall be 6.5 feet

south of and parallel to the north property line of said SYLVAN DRIVE.

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

(2) A gas main in TILLERY STREET, from a point 10 feet south of East  $14\frac{1}{2}$  Street southerly 219 feet, the centerline of which gas main shall be 10 feet west of and parallel to the east property line of said TILLERY STREET.

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

(3) A gas main in WEBBERVILLE ROAD, from Francisco Street westerly 200 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said WEBBERVILLE ROAD.

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

(4) A gas main in EAST 11TH STREET, from a point 21 feet west of Northwestern Avenue easterly to Northwestern Avenue, the centerline of which gas main shall be 10 feet south of and parallel to the north property line of said EAST 11TH STREET.

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

(5) A gas main in NORTHWESTERN AVENUE, from East 11th Street northerly 107 feet, the centerline of which gas main shall be 6.5 feet east of and parallel to the west property line of said NORTHWESTERN AVENUE.

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

(6) A gas main in MIDWAY STREET, from a point 73 feet south of East 11th Street southerly 220 feet, the centerline of which gas main shall be 10 feet east of and parallel to the west property line of said MIDWAY STREET.

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

(7) A gas main in GROVER AVENUE, from West 51st Street northerly 74 feet, the centerline of which gas main shall be 7.5 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.

(8) A gas main in EAST 22ND STREET, from a point 99 feet east of Coletto Street, easterly 70 feet the center-line of which gas main shall be 7.5 feet south of and parallel to the north property line of said EAST 22ND STREET.

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

The Council set the following zoning applications for public hearing at 11:00 A.M. December 16th:

H.J. WATSON &  
CAL MARSHALL  
(By Bob Bright, Agt.)

San Marcos & Lambie  
Lots 21 thru 27, Blk 2,  
Elm Grove Addition  
51-53-55 San Marcos,  
1000-1002; 1004-1008 &  
1100-1102 Lambie Street

From "A" Residence  
To "LR" Local Retail  
RECOMMENDED "O" Office  
District by the Planning  
Commission

D. S. WOODS &  
E.D. STEVENSON

Willow & Red River Sts.  
502-510 Willow St. Pt. of  
Lots 4&5, Blk. 4, Driskill  
& Rainey Subd. & 92-94-96  
Red River, Original City Planning Commission  
Block 189

From "A" Residence  
To "CNC" Commercial  
RECOMMENDED "GR" General  
Retail by the  
Planning Commission

GREENLEE CORPORATION

Anderson Lane & H&TC Rd.  
1501-1513 Anderson Lane  
From "A" Residence  
To "C" Commercial  
RECOMMENDED "LR" Local

		Retail by the Planning Commission
MRS. L.E. NITSCHKE	2012-2014 Speedway; N.28' of Lot #9, Blk B, Horst A Addition	From "C" Commercial To "C-1" Commercial NOT Recommended by the Planning Commission
THEO A. BURKLUND	5300 Ave. F, Lots 1, 2, and 3 Blk 44, The High-Lands Subdivision.	From "A" Residence To "C" Commercial NOT Recommended
E.C. THOMAS	Oak Springs Dr. & Harvey St., 2.5 Ac OL 14, Div B	From "A" Residence To "C" Commercial RECOMMENDED "LR" Local Retail by the Planning Commission
PHILLIP BASHARA	Springdale Rd. between Lyons & Bolm Rds., Lots 1, 2, 3, 4, & 5, Blk 5, Gullett Gardens No. 2	From "A" Residence To "D" Industrial RECOMMENDED "C" Commercial 6th Height and Area
BERT P. BROWN	5226-5264 & 5300-32 Burnet Rd. George W. Spear League	From "A" Residence To "C" Commercial RECOMMENDED by the Planning Commission
GRAY & BECKER, INC.	Ne cor Live Oak & Interregional Hwy 2108-2140 Parker Lane & 2017-2139 Interregional Hwy.	From "A" Residence To "LR" Local Retail on W $\frac{1}{2}$ From "A" Residence To "O" Office on E. $\frac{1}{2}$ RECOMMENDED by the Planning Commission
LEWIS V. BROWNLOW	204 W. 16th St. Lot 4 & W23' Lot 5, Blk 40, Original City	From "B" Residence To "C" Commercial RECOMMENDED "O" Office District by the Planning Commission

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

E.A. JONES by S.R. Fulmore, Agt.	301-05 Riverside Drive	From "B" Residence To "C" Commercial RECOMMENDED by the Planning Commission
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Mr. E.A. Jones and Mr. S. R. Fulmore, present in behalf of the application and Mr. Carl Steiger, 305 LeGrande present to make inquiry if this classification would permit the sale of alcoholic beverages. He had no protest to change as long as it would not permit the sale of alcoholic beverages. The

Mayor asked those who wished to uphold the recommendation of the Plan Commission to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

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

The Mayor announced the change had been granted and the City Attorney was instructed to draw the necessary ordinance.

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TEXAS REALTY COMPANY

1135D Springdale Road  
1121D-33D Springdale  
1120D-32D Map Street  
4600-02 Sara Drive  
4601-05 Tanney Street

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

The Mayor asked those who wished to uphold the recommendation of the Plan Commission to vote "aye"; those opposed to vote "no". Roll call showed the following:

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

The Mayor announced the change had been granted and the City Attorney was instructed to draw the necessary ordinance.

The Council received a communication from the City Manager regarding the statements of the five property owners on Rogge Lane concerning the change of name to P. W. SEIDERS AVENUE. Two did not want the name changed; three did not care. No action was taken by the Council.

The Council received a communication from the City Manager regarding the James Street Alley from South 5th Street to Bouldin Avenue. The City Manager stated when the alley were vacated, 50% would automatically revert to the property owners. Councilman White stated that some people on the south side of this alley were paying taxes on the alley; and if they did not want that alley, take their names off the tax roll, as the people on the north side had it now. He stated the people on the south side, Mrs. Sawyer and Mrs. Wilbur, do not have any part of the alley now, but they are paying taxes for that alley. The City Manager explained this would straighten itself out when the alley were vacated; if they did not want the alley, and if the other person did, it would be a matter between them and they could make a transfer. The City would have no jurisdiction in this transfer or disposition of the alley property after it was vacated. Councilman Thompson moved that the City Manager be instructed to prepare an ordinance to vacate that alley. The motion, seconded by Councilman Pearson, carried by the following vote:

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

\*Councilman Long stated she would vote for the preparation of the ordinance, but that did not mean that she was committing herself to vote for it next week.



MR. FRANK KERBOW, representing 19 citizens, brought a complaint before the Council of a violation of the zoning ordinance at 809 Capitol Courts. The complaint was against the Scheumack Brothers Roofing Company, who manufactures roofing material, and starts operation at 5:30 A.M., burning tar. The odor is obnoxious to the neighborhood. Mr. Kerbow stated a letter had been sent to the City Manager, and something had been done as the Company refrained from that operation for a while, but now they have started again. Councilman Thompson suggested that the City Manager investigate this and report back to the Council; if the company is in violation of the ordinance, then they could be brought into line. The Mayor stated that since the City Manager would be out of town shortly that the City Attorney would be the one to make this investigation, and asked that he look into the situation and give the Council a report.

The Mayor announced that MAYOR PRO-TEM PEARSON and MR. SEAHOLM would represent the City in the Civil Defense Conference at the White House on December 2, 1954.

Councilman Long stated the Council had voted a policy that people who had asked to appear before the Council be placed on the agenda and that they be heard first; then following that others would be heard before matters of routine were considered. She felt this policy should be continued, and that the routine matters not be considered while people not listed on the agenda were waiting to be heard.

Councilman Thompson inquired about the expiration date of the contract with the gas company; and if it were to expire in about two years, he thought that the City Manager should proceed with the negotiations to execute a new contract with the present supply or find out what the situation is going to be and to find out if the city was going to have to find a new source. Councilman Long stated the larger cities in the east had gas in Texas dedicated to them for 20 years or more, and that no city in Texas had any gas dedicated to its use. Councilman Pearson felt that the Council would have detailed data in its hearing. Councilman Thompson stated that the City Manager probably had material already, and suggested that he furnish a progress report.

There being no further business the Council adjourned at 11:50 A.M. subject to the call of the Mayor.

APPROVED

  
Mayor

ATTEST:

  
City Clerk