

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 1, 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. E. Levander, Director of Public Works.

Invocation was delivered by FATHER EUGENE L. DORE, St. Ignatius Church.

Councilman White moved that the Minutes of the previous meeting be approved. The motion, seconded by Councilman Thompson, carried by the following vote:

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

The Council recognized MRS. EVERETT DAWSON's 6th Grade Class from Rosedale School.

The Mayor announced that an agreement had been reached with the Joseph Estate regarding the opening of Grover, Woodrow, and Arroyo Seca. Councilman Thompson inquired if the Appraiser which the Council instructed to be employed last week, was employed and if he had made a report already. The City Manager stated he had not completed his appraisal, but had just made an oral information report. Councilman Long replied that early in the week, the Council received the report from the Josephs through their Attorney, Mr. Cofer, and it had been tentatively agreed by the majority of the Council not to have an appraiser, but to accept this offer. Councilman Thompson stated that in open session last Thursday, the Council instructed the City Administration to hire an appraiser in order to get an appraised value of this land; and as far as he

knew, the Council had not had another meeting. Councilman Long moved that this offer of \$9,000 for the designation of the property as set out in this letter of September 25th (addressed to Mr. Ben White, and signed by Mr. John S. Cofer) be accepted. (The letter is set out herewith)

"Law Office of
Cofer & Cofer
905-7-9 Littlefield Bldg.
Austin, Texas

September 25, 1953

"Mr. Ben White
1111 Guadalupe Street
Austin, Texas

Dear Mr. White:

"At your request I am writing you a letter in behalf of the Joseph Estate with reference to the settlement of the controversy with reference to the three rights-of-way in Northwest Austin. As I understand from you the Council has agreed to pay the Josephs the sum of \$2200.00 an acre for the rights-of-way required on Woodrow Avenue, Grover Avenue, and the right-of-way and small acreage on Arroya Seca. As I understand the City Engineer will calculate the amount of acreage involved and the City will pay for it at the rate of \$2200.00 an acre. This is to be a net figure without any deduction for any utility right-of-way heretofore acquired. I am authorized on behalf of Mr. Edward Joseph, Joe Joseph, and Ernest Joseph, trustees for the Joseph heirs to accept the above proposition in their behalf.

"If the City Engineer or City Attorney's Office will notify me what data they desire such as abstracts, etc., I will be glad to furnish these to them and co-operate with them in closing this matter.

"I would suggest that the deed covering the rights-of-way and the resolution or ordinance authorizing the acceptance of the deed and payment for same be prepared by the City Attorney.

Sincerely yours,

COFER & COFER
(S) John D. Cofer
John D. Cofer"

JDC:bc

(Written in longhand) "The Josephs will accept \$9,000.00 net for the rights-of-way set out above.

(S) John D. Cofer"

The motion, seconded by Councilman Pearson, carried by the following vote:
Ayes: Councilmen Long, Pearson, White, Mayor McAden
Noes: Councilman Thompson *

*Councilman Thompson voted against the motion offering the following statement: that this was raw land, and if a developer subdivides, he has to cut the streets and give to the city the property covered by the streets for nothing. He also has to pave those streets, but what has been done now, the Council has assumed the responsibility and cost of subdividing Mr. Joseph's property for him, with all of the taxpayers sharing in the cost of subdividing this property for him.

MR. JOHN BROAD, President of the Austin Chapter of the Associated General Contractors of America, listed ten reasons for placing all the contracts under one general contractor--responsibility centralized; lowest cost assured; completion assured on schedule; general contractor can exercise the function of creative management; quality is assured according to plans and specifications; construction operations coordinated for maximum efficiency; uniform labor policy can be established; safety measures can be correlated; owners protected against loss, suits or claims; one general contractor is responsible for the ethics of the industry being observed and fair treatment for everybody. MR. MARVIN C. YOUNG, partner of the John Broad Construction Company, stated this was advertised on September 6th and September 13th, and that separating the contracts would place more of a strain on the bonding of the specialty contractors and eliminate competition among them; and that the owner should deal with one firm or individual responsible for the entire contract than to deal with several firms; more economical when the single contract method is employed; the general contractors deal with mechanical subcontracts on every job they perform and are familiar with them. MR. CHARLES MARTIN, Manager of the J.M. ODOM Company spoke for the single contract method, stating that 60% of the jobs were on a single contract basis; and almost without exception the 40% that were separated, the mechanical work went on from one to four months beyond the time. The City Manager read a letter from the Architects, MR. C. H. PAGE, and others. MR. CUMMINGS, opposing the single bid method, stated their main request was for an equal chance of opening the bids at the same time the general bids were opened. MR. DICK YOUNG, Young and Pratt, suggested a plan similar to that used by the Southwest Bell Telephone Company, whereas the bids are taken separately and the general contractor then write in on his bid the percentage for which he would handle the job and take over the complete contract. Councilman Thompson foresaw labor trouble possibilities under this method. He outlined the differences in the acceptances of bids by the Telephone Company and by the City. Councilman White inquired if general contractors would bid on the whole job. It was stated they probably would not as they did not maintain a complete mechanical staff. It was brought out in the Telephone method, that the percent added to the mechanical bids had to include two percent of the total costs in bonding, additional builders' risks, and other insurance. MR. J. H. PITTSFORD, A.A.A. Plumbing, favored bidding separately with their bids opened at the same time of the general contractors' bids, so the public would know what the mechanical part would cost. MR. W. K. JENNINGS spoke in the interest of separate bids. It was brought out that change in the bidding would have to clear through the state and federal governments.

Councilman Long moved that the City Manager be instructed to carry out the bid sheets as suggested by MR. YOUNG (Art. 7, p.2-B, Spec.0685.1 Telephone Company's specifications....).

Councilman Thompson moved that the motion be amended, that because of the Architects who are running this job recommending that the bidding not be done separately; because he felt there would be labor trouble if these contracts were let separately and get a low bid by a union contractor and an open shop contractor; because delays and considerable expense caused by delays will defeat the purpose of trying to buy this Hospital at the lowest possible price for the taxpayers, that the Council proceed as it has started and let this in one general contract. The motion lost for lack of a second.

Councilman Long moved that the City Manager be instructed to carry out the bid sheets as specified in Article 7, Page B-2, Spec. #0685.1, General Conditions:

"SEPARATE BIDS FOR MECHANICAL CONTRACTS: The owner will take separate bids for the Plumbing, Heating and Ventilating, Air Conditioning Work and Electrical Work. The Contractor shall enter into contracts, on the Standard Documents of the A.I.A., with the Mechanical Sub-Contractors chosen by the Owner, and assume all responsibility, finance, supervise and coordinate the work to be done. Each Mechanical Sub-Contractor shall pay his proportionate premium of the Contractor's bond. The Contractor shall state in his bid the fee as a percentage he will charge for making, performing and guaranteeing performance of these Mechanical Sub-Contracts including any extras." (SPECIFICATIONS FOR ALTERATIONS AND ADDITIONS TO CENTRAL OFFICE BUILDING FOR THE SOUTHWESTERN BELL TELEPHONE COMPANY TO BE ERRECTED AT LONGVIEW, TEXAS)

and in addition that it be so stated that the awarding authority will have the right to award this work in separate contracts or in the one general contract.

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

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

(This was with reference to bidding on the addition to BRACKENRIDGE HOSPITAL.)

The City Manager stated this new bid sheet would have to be cleared with Dallas and Washington, and he did not know how much time would be involved, and he asked if it were necessary to delay opening these on the 13th of October that he set another time to go ahead.

MR. S. C. SKINNER was before the Council for further consideration of his request for water connections to his subdivision. MR. R. N. LEWIS, 4605 Horse-shoe Bend, explained that there was a private driveway for the use of five houses--not a street nor an alley--that it either belongs to Mr. E.H. Perry or it is a private drive for those five homes. If Mr. Skinner opens an entrance

to his property, it will also open this street and make it a public thoroughfare, and it is not maintained by the City. MR. SKINNER stated the plat showed a 20' strip that was public ground, but the City Attorney stated the plat did not show it as public property. Councilman Long moved that the City Attorney clarify this matter, and get a letter from the Planning Commission explaining what they have recommended in this subdivision--a turnaround or a through street, or what their recommendation is. The motion, seconded by Councilman White, carried by the following vote:

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

The following application was before the Council for further consideration:

JAMES R. ALLEN	1000 West 34th Street	From "C" Commercial To "C-2" Commercial NOT RECOMMENDED by the Planning Commission
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The Mayor asked that those who wished to uphold the recommendation of the Planning Commission and deny the change to vote "aye"; those opposed to vote "no". Roll call showed the following:

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

The Mayor announced that the change was not granted, having failed to receive a four-fifths vote necessary to overrule the recommendation of the Planning Commission.

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Mayor McAden introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1931, 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 "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT ON A PART OF THE GEORGE W. SPEAR LEAGUE NO. 7, FRONTING 90 FEET ON THE

WEST LINE OF JEFFERSON STREET, LOCALLY KNOWN AS 3406 JEFFERSON STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

The Council recessed until 2:30 P. M.

At 2:30 P.M., the Council convened, all members present.

The matter of the City's fiscal policy was before the Council for public hearing. MR. GIBSON RANDLE represented the Austin Real Estate Board, and submitted a Draft by this Board, "Excerpts Relating to Refund Contracts Approach Mains & Storm Sewers". His suggestion for the plan was that the City would pay back 100% of the amount deposited by the Subdivider, as against the City's plan of paying only 80%, 70%, or 50%; and that the City pay it out of three-fourths of the water revenue, as against the City's plan of 50%. His suggestion was that it be for a 30 year period and at an interest rate determined at the beginning of the contract at one percent above the weekly average of the Dow Jones Municipal Bond report. MR. TRUEMAN O'QUINN compared the subdivider's endeavors with those of the water districts, in that the City paid them more than they did the subdividers as when the districts were purchased, their price included engineering services, legal advice, bonding fees, etc; and the subdividers were paid for the actual labor and materials and now the policy is to discount them 20 - 30 - 50%. MR. RANDLE did not think the depreciation item had any bearing on this matter. Councilman Thompson inquired as to the effect these water and

sewer main contracts had on the price of lots. MR. BULLARD stated one third of the cost was included in the price of the lots. MR. DAVID BARROW did not favor the depreciation item coming in on the water and sewer lines when they are turned over to the city brand new, 100% value. MR. LANDON BRADFELD outlined his suggestions. He stated it would take four years to bring a normal subdivision up to 70%, and another 20 years to pay out at four percent. He suggested that the subdivider be paid three-fourths of the revenue, and for a period in excess of twenty-four years--thirty years; six years to be a cushion; interest to be one percent above the published Revenue Bond rate. He believed this to be a minimum. MR. RANDLE listed the changes to be made in the Resolution that would be approved by his clients, as follows:

Paragraphs 4, 5, & 6, Change the percent figures of 80%, 70% and 50% to "100%" in all three cases.

Paragraph 7, Change seventy-five cents per lineal foot to "eighty cents"

Paragraph 8, Change the rate of three percentum, to "one percent above the weekly Dow Jones Municipal Average" and change one-half of the amount of incometo "three fourths". Change twenty years to "thirty years."

Paragraph 9, change fifty percent to 100%.

Paragraph 10, Change 80% to 100%.

Paragraph 11, Change 70% to 100%.

Paragraph 12, Use the flexible Dow Jones formula instead of the three percent interest; Change one-fourth to three-fourths; and 20 years to 30 years.

Mr. Randle opposed the "on-or-before" features, as the bond men did not approve it.

The City Manager explained the present policy as submitted and the reason the set percentage was made--as any time a variance was made, there would be discrimination; that from experience over the past five years, subdivisions 60% developed would pay out in 16 years. He explained about the depreciation, in that the facilities that took care of the new system were the ones on which the depreciation was added. The Council deferred action on this matter for two weeks to allow more time for additional study.

Mayor McAden introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE
PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN,
TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE
BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE
RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS
AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING

ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT ON THE EAST 45.83 FEET OF LOT 14, OUTLOT 6, DIVISION "Z", LOCALLY KNOWN AS 1006-08-12 WEST 12TH STREET, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

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

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

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

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

The Mayor announced the ordinance had been finally passed.

Mayor McAden introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT ON LOT 5, BLOCK 12, OUTLOT 37, DIVISION B, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY

ORDERED; AND SUSPENDING THE RULE REQUIRING THE
READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

Noes: None

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

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

Noes: None

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

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

Noes: None

The Mayor announced the ordinance had been finally passed.

The Council received the following:

"October 1, 1953

"To The City Council
City of Austin, Texas

"Re: Completion and Acceptance of Work of
Improving Rosewood Avenue from Bedford
Street to Webberville Road, being Unit 1
of Current Improvement Program.

"The work of improving Rosewood Avenue, from the west property line of Bedford Street to the east property line of Webberville Road, known as Unit 1 in the current street improvement program, has been performed and completed by Collins Construction Company of Texas in full compliance with the Contract, and the Plans and Specifications therein contained, dated May 14, 1953, between the City of Austin and Collins Construction Company of Texas.

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

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

Mayor McAden introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING ROSEWOOD AVENUE, UNIT NO. 1, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, WITHIN THE LIMITS HEREBELOW DEFINED, PERFORMED BY COLLINS CONSTRUCTION COMPANY OF TEXAS, AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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

"October 1, 1953

"To The City Council
City of Austin, Texas

"Re: Completion and Acceptance of Work of Improving Webberville Road from Thompson Street to Goodwin Avenue, being Unit 2 of Current Improvement Program.

"The work of improving Webberville Road, from the south property line of Thompson Street to the north property line of Goodwin Avenue, known as Unit 2 in the current street improvement program, has been performed and completed by Collins Construction Company of Texas in full compliance with the Contract, and the Plans and Specifications therein contained, dated May 14, 1953, between the City of Austin and Collins Construction Company of Texas.

"I have inspected, approved and accepted the work and improvements

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

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

Mayor McAden introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING WEBBERVILLE ROAD, UNIT NO. 2, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, WITHIN THE LIMITS HEREBELOW DEFINED, PERFORMED BY COLLINS CONSTRUCTION COMPANY OF TEXAS, AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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

"October 1, 1953

"To The City Council
City of Austin, Texas

"Re: Completion and Acceptance of Work of
Improving Webberville Road from Goodwin
Avenue to Rosewood Avenue, being Unit 3
of Current Improvement Program.

"The work of improving Webberville Road, from the north property line of Goodwin Avenue to the south property line of Rosewood Avenue, known as Unit 3 in the current street improvement program, has been performed and completed by Collins Construction Company of Texas in full compliance with the Contract, Plans and specifications therein contained, dated May 14, 1953, between the City of Austin and Collins Construction Company of Texas.

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

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

Mayor McAden introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING WEBBERVILLE ROAD, UNIT NO. 3, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, WITHIN THE LIMITS HEREBELOW DEFINED, PERFORMED BY COLLINS CONSTRUCTION COMPANY OF TEXAS, AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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

"October 1, 1953

"To The City Council
City of Austin, Texas

"Re: Completion and Acceptance of Work of
Improving Thompson Street from Rosewood
Avenue to Webberville Road, being Unit 4
of Current Improvement Program.

"The work of improving Thompson Street, from the east property line of Rosewood Avenue to the west property line of Webberville Road, known as Unit 4 in the current street improvement program, has been performed and completed by Collins Construction Company of Texas in full compliance with the Contract, and the Plans and Specifications therein contained, dated May 14, 1953, between the City of Austin and Collins Construction Company of Texas.

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

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

Mayor McAden introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK
OF IMPROVING THOMPSON STREET UNIT 4, IN THE
CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, WITHIN
THE LIMITS HEREBELOW DEFINED, PERFORMED BY
COLLINS CONSTRUCTION COMPANY OF TEXAS, AUTHOR-
IZING AND DIRECTING THE ISSUANCE OF SPECIAL
ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH;
DECLARING AN EMERGENCY, AND PROVIDING THAT THIS
ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY
UPON ITS PASSAGE.

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

"October 1, 1953

"To The City Council
City of Austin, Texas

"Re: Completion and Acceptance of Work of
Improving Rosewood Avenue from Hargrave
Street to Bedford Street, being Unit 5
of Current Improvement Program.

"The work of improving Rosewood Avenue, from the east property line of Hargrave Street to the west property line of Bedford Street, known as Unit 5 in the current street improvement program, has been performed and completed by Collins Construction Company of Texas in full compliance with the Contract, and the Plans and Specifications therein contained, dated May 14, 1953, between the City of Austin and Collins Construction Company of Texas.

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

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

Mayor McAden introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF
IMPROVING ROSEWOOD AVENUE, UNIT NO. 5, IN THE CITY
OF AUSTIN, TRAVIS COUNTY, TEXAS, WITHIN THE LIMITS
HEREBELOW DEFINED, PERFORMED BY COLLINS CONSTRUCTION
COMPANY OF TEXAS, AUTHORIZING AND DIRECTING
THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES
IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND
PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE
IMMEDIATELY UPON ITS PASSAGE.

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

Councilman Long 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 AIRPORT BOULEVARD, from East 12th Street southerly 392 feet, the centerline of which gas main shall be 19 feet west of and parallel to the east property line of said AIRPORT BOULEVARD.

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 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 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 Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the final plat of the subdivision known as "Resubdivision of Lots 6, 7 & 8, Block 2 of Clara Pickle Subdivision", approved by the City Planning Commission of the City of Austin on July 2, 1953, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

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

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the property situated on the east side of Lamar Blvd. as a private gasoline plant, which property is owned by Torn Machinery Company, and is designated as 100'x 300' unplatted in the Walter Staehely Tract in the City of Austin, Travis County, Texas, and hereby authorized the said Torn Machinery Company to operate a private gasoline plant consisting of a 550-gallon underground tank and pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Torn Machinery Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
October 1, 1953

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

"Dear Sir:

"I, the undersigned, have considered the application of ~~Tom~~ Machine Shop for permission to operate a private gasoline plant consisting of a 550-gallon underground tank and pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the east side of Lamar Boulevard, which property is designated as 100'x300' unplatted, in the Walter Staehely Tract in the City of Austin, Travis County, Texas, and locally known as 5533 Lamar Boulevard.

"This property is located in a "C-1" Commercial District and I recommend that this permit be granted subject to the following conditions:

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

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

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

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

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

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Ben G. Riske is the Contractor for the repair of an awning on a building located at 302 East 6th Street and desires a portion of the sidewalk and street space abutting on the east 1/2 of Lot 1, Block 67, of the Original City of Austin, Travis County, Texas, during the repair of an awning on 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 Ben G. Riske, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of the above described property; thence in a southerly direction and at right angles to the centerline of East 6th Street to a point four feet south of the north curb line; thence in a westerly direction and parallel with the centerline of East 6th Street approximately 23 feet to a point; thence in a northerly direction and at right angles to the centerline of East 6th Street to the north west corner of the above described property.

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

- (1). The Contractor will be permitted to use one parking meter space for the delivery or removal of materials during construction work.
- (2). That "NO PARKING" signs shall be placed on the street side of the barricades.
- (3). That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.
- (4). That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor shall 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 October 23, 1953.
- (7). That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.
- (8). That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.
- (9). That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(10). That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all 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

Mayor McAden brought up the following ordinance for its third reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 11.15 ACRES OF LAND SAME BEING ALL OF HIGHLAND PARK WEST, SECTION 2, A SUBDIVISION OF A PORTION OF THE T. J. CHAMBERS GRANT IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

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

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

Noes: None

The Mayor announced the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain public utility and drainage easement was reserved and dedicated to the public on a map or plat of the Resubdivision of a portion of Highland Park West, according to a map or plat of said Resubdivision of Highland Park West of record in Book 5, page 62, Plat Records of Travis County, Texas; and

WHEREAS, portions of such easement hereinafter described are not now needed and hereafter will not be required by the City of Austin; Now, Therefore,

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

That W. E. Seaholm, City Manager, be and he is hereby authorized and directed to execute a release of the portions of such easement as follows:

No. 1. The south five (5) feet of Lot 31 of Block C of said Resubdivision of a portion of Highland Park West.

No. 2. The north five (5) feet of Lot 32 of Block C of said Resubdivision of a portion of Highland Park West.

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

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

Noes: None

The Council set the following proposals of the Planning Commission of establishing the original zoning of the following areas for public hearing at 11:30 A.M., October 22nd:

AREA 5 - Von Rosenberg Tract. All that area situated between Rabb Glenn Street and the south line of the Cannizzo Subdivision and between the old city limit line and the new city limit line.

AREA 8 - Industrial Area. All that property lying north of the Colorado River, east of Springdale Road, south of the Missouri Kansas and Texas Railroad and Jain Lane, and between the old city limit line and the new city limit line.

AREA 16 All that property lying between Anderson Lane and the north line of Bellaire Subdivision and Burnet Road easterly to the old city limit line; and all that property on either side of the Burnet Road and Farm-to-Market Road No. 1325, extending from Anderson Lane to the entrance to the old Magnesium Plant, and being that property within the present city limits. (Burnet Road Area)

("Old city limit line" means the City limit line as it existed prior to December 20, 1951)

The Council received a communication through the City Manager from the Judge of the Corporation Court, requesting the submission of the name of MR. J. C. HINSLEY, for appointment to serve as Judge of the Corporation Court while JUDGE JOE ROBERTS was on vacation. Councilman Long moved that MR. J. C. HINSLEY be appointed in this connection. The motion, seconded by Councilman White, carried by the following vote:

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

Noes: None

It was announced that MR. MARTIN KERMACY would make his report on the Master Plan next Thursday.

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

"TO THE MAYOR AND CITY COUNCIL:

"I certify that the tax assessments for the property hereinafter described in the name of Thomas J. McElhenny are incorrect for the following reasons:

"The valuation that was placed on these three lots when they were revalued in the year 1947 made no allowance for the fact that all of them lie below the level of the street on which they front. The owner of the property protested the values before the Board of Equalization in 1948 and the Board recognized the topographical condition by granting a discount of 15% on Lot 42, 30% on Lot 43, and 20% on Lot 44. The discount on these lots was not made retroactive for the year 1947, presumably because the Board did not have the authority.

"I recommend that I be authorized to reduce the assessed valuations on such property for the year 1947 on the same basis as the reduction authorized by the Board of Equalization for the year 1948 as follows:

<u>YEAR</u>	<u>DESCRIPTION OF PROPERTY</u>	<u>ORIGINAL ASSESSED VALUE</u>	<u>RECOMMENDED VALUE</u>
1947	Lot 42, Plat 147, Item 100, Enfield D.	1,990	1,690
1947	Lot 43, Plat 147, Item 101, Enfield D	2,160	1,510
1947	Lot 44, Plat 147, Item 102, Enfield D	2,760	2,020

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Tax Assessor and Collector has made a special investigation of the tax assessments hereinafter set forth in the name of Thomas J. McElhenny, and has found the same to be erroneous for the reasons stated in his certificate delivered to the City Council and filed with the City Clerk, and

WHEREAS, in such certificate the City Tax Assessor and Collector has recommended the adjustments,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the following tax assessments for the years shown be, and the same are, hereby adjusted and corrected to fix the assessed values therein as indicated.

<u>YEAR</u>	<u>DESCRIPTION OF PROPERTY</u>	<u>ORIGINAL ASSESSED VALUE</u>	<u>RECOMMENDED VALUE</u>
1947	Lot 42, Plat 147, Item 100, Enfield D.	1,990	1,690
1947	Lot 43, Plat 147, Item 101, Enfield D	2,160	1,510
1947	Lot 44, Plat 147, Item 102, Enfield D	2,760	2,020

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

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

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

QUENTIN S. FRANKS &
PAUL H. McDONALD by
Trueman E. O'Quinn

702-704 W. 32nd St.

From "A" Residence
To "B" Residence

Councilman Long moved that the City Manager be instructed to make a report in two weeks concerning the approach streets and the needs of the streets in the area of the new schools at 5th and Lyndon; Denson Drive, (Intersection of Guadalupe & Romeria Drive); South First (about the 3000 Block); and Manchaca Road (Intersection of Redd Street and Manchaca Road) and any others that are under construction now, announced in the paper to be under construction. The motion, seconded by Councilman White, carried by the following vote:

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

Councilman Long stated she understood the City was about to run out of this oil emulsion for the streets, and she thought this program should be extended, as it was very important and should be continued.

Councilman Long moved that the City Manager be instructed to make a study of two-hour parking in the 713 West 14th Street area, for a Mrs. Johnson (Mary Belle). There is a clinic there, and she is losing her tenant. The motion, seconded by Councilman White, carried by the following vote:

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

Councilman Pearson suggested that the Mayor call a special meeting on the city's fiscal policy for discussion.

There being no further business, the Council adjourned at 5:20 P.M.

APPROVED: _____

W. M. Eaden
Mayor

ATTEST:

Elsie Hoosley
City Clerk