

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 22, 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 REV. M. F. ALLEN, First Cumberland Presbyterian Church.

Councilman White moved that the Minutes of October 15th meeting be approved. The motion, seconded by Councilman Pearson, carried by the following vote:

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

MR. M. H. CROCKETT appeared in opposing zoning generally, and read a letter he received from Houston regarding opposition to zoning.

Councilman Thompson moved that the Council amend the Resolution pertaining to the fiscal policy with reference to the rate of reimbursing the subdivider to provide for 75% instead of 50%; and that where there is one installation it will be 37½ instead of 25. The motion, seconded by Councilman White, carried by the following vote:

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

Councilman Pearson offered the following resolution as amended and moved its adoption:

(RESOLUTION)

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

That the policies herein announced shall govern the participation by the City in the cost of construction and installation of streets, drainage facilities and utilities in subdivisions hereafter developed in the City of Austin or within five (5) miles of the limits thereof.

1. Electric lines, both inside and outside the City, will be installed in approved subdivisions at the expense of the City if the subdivision lies within the area served by City electricity.

2. The City will participate in the construction of thoroughfares through residential areas in approved subdivisions within the City by paying the difference in cost of a thoroughfare and a collector street as those terms are defined in the subdivision regulations. Cost of the thoroughfares shall be approved by the City and the difference in cost shall be based on City estimates of the cost of the collector streets.

3. Where water or sewer lines of certain sizes are required to adequately serve an approved subdivision within the City, and larger lines are installed within the subdivision at the request of the City, if the cost of the lines as installed has been approved by the City, the City will pay the extra cost incurred in constructing the larger lines, based on City estimates of the cost of the smaller lines.

4. Where both a water distribution system and a sanitary sewer system are installed in accordance with City specifications in an approved subdivision within the City, and where either system is so installed when the other system is already in place, upon the transfer of such systems to the City the City will reimburse the subdivider to the extent of ninety (90%) percent of the cost thereof, in the manner described in paragraph 8 hereof, provided the cost thereof has been approved by the City. Upon such transfer the City will also assume maintenance and operation of such systems.

5. Where either sanitary sewer system or water distribution system is installed in accordance with City specifications, in an approved subdivision within the City, and the other system has not been and is not installed, upon the transfer to the City of the system so installed, the City will reimburse the subdivider to the extent of eighty (80%) percent of the cost thereof, in the manner described in paragraph 8 hereof, provided the cost thereof has been approved by the City. Upon such transfer, the City will also assume the maintenance and operation of such system.

6. Upon the transfer to the City of any sewage treatment plant constructed by a subdivider to serve an approved subdivision within the City in accordance with City specifications, and the transfer of the site upon which it is located, the City will reimburse the subdivider to the extent of fifty (50%) percent of the cost thereof in the manner described in paragraph 8 hereof, provided the cost thereof has been approved by the City. Upon such transfer, the City will also assume the maintenance and operation of such plant.

7. Where all local and collector streets in an approved subdivision within the City are constructed of a flexible base eight (8") inches thick and surfaced with hot mix asphaltic concrete one and one-half (1-1/2") inches thick, or an approved equal, in accordance with City specifications, and at a cost approved by the City, the City will reimburse the subdivider for the cost of construction of base and paving, (but not of curb and gutter) of all intersections in the subdivision, in the manner described in paragraph 8 hereof.

8. The amounts of costs to be reimbursed as provided in paragraphs 4, 5, 6 and 7 hereof shall be regarded as principal, and interest thereon shall accrue annually at the rate of three (3%) percentum per annum, from the date of acceptance by the City of the work for which reimbursement is to be made, on the unpaid balance of such principal during the number of years for which payments are to be made. If both the sewer and water systems have been installed by the subdivider and are transferred to the City, the City shall pay to the subdivider on or before March 1 of each year following the completion of the construction work, a sum equal to three-fourth (3/4) of the amount of income realized from sales and service of water for usual, customary and normal domestic, commercial and industrial uses to customers having a direct connection to water and sewer lines within the subdivision during the preceding calendar year, until the full amount of such principal due under any or all of paragraphs 4, 6, and 7 hereof, together with accrued interest, have been paid, or until payments have been made from the income so received for a period of twenty-five (25) years from the date of completion and acceptance of the systems for which reimbursement is to be made whichever first occurs. Each payment shall be applied first to the payment of interest accrued, and the remainder shall be applied to the payment of principal. If a sewer system or water system only is installed by the subdivider and transferred to the City, or if neither system is installed but streets are paved as provided in paragraph 7, the City shall pay to the subdivider on or before March 1 of each year following the completion of construction work, a sum equal to three-eighths (3/8) of the amount of income realized from sales and service of water for usual, customary and normal domestic, commercial and industrial uses to customers having a direct connection to the water lines within the subdivision during the preceding calendar year, until the full amount of such principal due under paragraphs 4 or 5, and 6 and 7 hereof, together with accrued interest, have been paid, or until payments have been made from the income so received for a period of twenty-five (25) years from the date of completion of the system for which reimbursement is to be made, whichever first occurs. Each payment shall be applied first to the payment of interest accrued and the remainder shall be applied to the payment of principal.

9. Upon the completion of any sewage treatment plant constructed in accordance with City standards to serve an approved subdivision outside the City, and outside any Water Control and Improvement District, and upon the transfer to the City of such plant and the site therefor, the City will assume the maintenance and operation thereof. Upon the annexation of a subdivision served by such a plant, the City will reimburse the subdivider to the extent of fifty (50%) percent of the depreciated value of such plant, after depreciating the original cost thereof five (5%) percent per year from the date of completion of such plant to the date of annexation of the subdivision, such reimbursement to be made in the manner described in paragraph 12 hereof, provided the original cost of such plant has been approved by the City.

10. Where both a water distribution system and a sanitary sewer system are installed in an approved subdivision outside the City, and outside of any Water Control and Improvement District, and where either system is so installed when the other is already in place, upon the annexation of such subdivision, and the transfer to the City of both such systems, the City will reimburse the subdivider to the extent of ninety (90%) percent of the depreciated value of the systems so transferred, after depreciating the original cost thereof three (3%) percent per year from the date of completion of such plant to the date of annexation of the subdivision, such reimbursement to be made in the manner described

in paragraph 12 hereof, provided the original cost of such systems has been approved by the City. From the time of connection of any such sewer system to the system of the City, and from the time any sanitary sewer system is connected to a treatment plant operated by the City, the City will assume the maintenance and operation thereof, provided such system has been transferred to the City.

11. Where either a sanitary sewer system or a water distribution system is installed in an approved subdivision outside the City and outside of any Water Control and Improvement District and the other system has not been and is not so installed, upon the annexation of such subdivision and the transfer to the City of the system so installed, the City will reimburse the subdivider to the extent of eighty (80%) percent of the depreciated value of such system, after depreciating the original cost thereof three (3%) percent per year from the date of completion thereof until the date of annexation of the subdivision, such reimbursement to be made in the manner described in paragraph 12 hereof, provided the cost of such system has been approved by the City. From the time of connection of any such sewer system to the system of the City and from the time any sanitary sewer system is connected to treatment plant operated by the City, the City will assume the maintenance and operation thereof, provided such system has been transferred to the City.

12. The amounts to be reimbursed as provided in paragraphs 9, 10 and 11 hereof shall be regarded as principal, and interest thereon shall accrue annually at the rate of three (3%) percentum per annum on the unpaid balance of such principal from the date of annexation of the subdivision involved, during the number of years for which payments are to be made. If both sewer and water systems have been installed by the subdivider and are transferred to the City, the City shall pay to the subdivider on or before March 1 of each year following annexation of the subdivision a sum equal to three-fourth ( $3/4$ ) of the amount of income realized from sales and service of water for usual, customary and normal domestic, commercial and industrial uses to customers having a direct connection to water and sewer lines within the subdivision, during the preceding calendar year, until the full amount of such principal due under paragraphs 9 and 10 hereof, together with accrued interest, have been paid, or until payments have been made from the income so received for a period of twenty (20) years from the date of annexation of such subdivision, whichever first occurs. Each payment shall be applied first to the payment of interest accrued, and the remainder shall be applied to the payment of principal. If a sewer system or water system only is installed by the subdivider and transferred to the City, the City shall pay to the subdivider on or before March 1 of each year following such annexation a sum equal to three-eighths ( $3/8$ ) of the amount of income realized from sales and service of water for usual, customary, and normal domestic, commercial and industrial uses to customers having a direct connection to the water lines within the subdivision during the preceding year until the full amount of such principal due under paragraphs 9 or 10, and 11 hereof, together with accrued interest, have been paid, or until payments have been made from the income so received for a period of twenty (20) years from such annexation, whichever first occurs. Each payment shall be applied first to the payment of interest and the remainder shall be applied to the payment of principal.

13. The construction of approach mains, both water and sanitary sewer, leading to subdivisions, and of storm sewers and other drainage facilities, presents such a variance in conditions, requirements, and costs that any arrangements for participation or reimbursement therefor must be determined by negotiations resulting from special study of such conditions, requirements and costs as to each subdivision requiring any such construction.

14. No participation or reimbursement provided for herein shall be made for any construction work or installation unless the City approved the

contract for such work before the work was begun.

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

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

Noes: None

\*Councilman Thompson made the following statement regarding his vote:

"The further we go in refunding subdividers, the more we take off the cost of the property to the buyer of the property in new subdivisions, the more we add to the tax load of the general tax payer in this town. When the subdivider has to pay these expenses he necessarily hooks them on to the costs of his lots, and it is charged in to the price of the house when it is finished and sold to the customer. When he is relieved of any of this expense; where the force of economic necessity and competition makes him pass that savings on to the home buyer, then that saving will be passed on to the home buyer; and when the force of economic necessity does not force him to pass that saving on to the home buyer, it probably shows up in the profit columns of the subdivider. It is a rather a confusing proposition and hard to determine, and I am going to vote on this with the reservation that I believe it probably needs more study than it has had up to the moment."

The Mayor announced that the DEMOLAYS would participate in the City Government Thursday, November 5th.

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on October 20, 1953, the City of Austin received bids for the widening of the pavement on the west side of South 1st Street, from Barton Springs Road to Riverside Drive; and

WHEREAS, the alternate bid of W. S. Conner in the sum of Two Thousand Nine Hundred Seventy-Seven and 32/100 Dollars (\$2,977.32) for seven inch (7") unreinforced concrete pavement was the lowest and best bid received; and

WHEREAS, the acceptance of such bid has been recommended by the Director of Public Works and by the City Manager; Now, Therefore,

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

That said bid of W. S. Conner in the sum of Two Thousand Nine Hundred Seventy-Seven and 32/100 Dollars (\$2,977.32) be and the same is hereby accepted and W. E. Seaholm, City Manager, is hereby authorized to enter into contract with W. S. Conner for the construction of such pavement work in accordance with said bid.

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

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

Noes: None

The Council received the following:

"October 22, 1953

"To The City Council  
City of Austin, Texas

"Re: Completion and Acceptance of Work  
of Improving Lavaca Street (West  
side), from West 10th Street to  
West 10th Street Alley, being Unit  
13 of Current Improvement Program.

"The work of improving Lavaca Street (West side), from the north curb line of West 10th Street to the north curb line of West 10th Street Alley, known as Unit 13 in the current street improvement program, has been performed and completed by John R. Andrews in full compliance with the Contract, and the Plans and Specifications therein contained, dated May 19,, 1952 between the City of Austin and John R. Andrews.

"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 LAVACA STREET, UNIT 13, IN THE CITY  
OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREBELOW  
DEFINED, PERFORMED BY JOHN ANDREWS, 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 Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

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

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

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

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

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

The Mayor announced the ordinance had been finally passed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its underground telephone conduits in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the Director of Public Works; therefore

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

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its underground telephone conduits in the following streets:

(1) An underground telephone conduit in SABINE STREET ALLEY, from a point 15 feet south of the south property line of East 7th Street northerly to East 7th Street, the centerline of which underground telephone conduit shall be 4 feet west of and parallel to the east property line of said SABINE STREET ALLEY.

(2) An underground telephone conduit in SABINE STREET ALLEY, across East 7th Street intersection, the centerline of which underground telephone conduit shall be 232 feet west of and parallel to the centerline of East Avenue.

(3) An underground telephone conduit in EAST 7TH STREET from a point 232 feet west of the centerline of East Avenue westerly 39 feet, the centerline of which underground telephone conduit shall be 9 feet south of and parallel to the north property line of said EAST 7TH STREET.

THAT the work and construction of said underground telephone conduits, including the excavation of the streets and the restoration and maintenance of said streets after said underground telephone conduits have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the city of Austin governing such construction.

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 an Aviation Committee for the City of Austin, to be composed of ten (10) members, be, and the same is hereby created. The members of such committee shall be citizens of the City of Austin, and shall be appointed by the City Council. The Committee shall select from its membership a Chairman and such other officers as it may deem necessary.

Such Committee shall study the present and probable future needs and requirements of commercial and private aircraft for local aircraft facilities, and shall study the various means of expansion and development of airport facilities for the City, and shall advise the City Council as to the most feasible means of expanding and developing such facilities to meet present and future requirements.

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 following members whom the Council appointed the past week:

Mr. Bob Burck	Mr. Martin Kermacy
Mrs. R. M. Browning	Mrs. Holland Page, Jr.
Mr. Bobby Ragsdale	Mr. M. J. Thompson
Mr. Paul Hargis	Mr. J. C. Pollard
Mr. C. C. Colvert	Mr. Jno. Barclay

The Council set the following application for change of zoning for public hearing at 11:00 A.M., November 12:

MRS. LILLIAN C. WRIGHT	1616-18 West 5th St.	From "B" to "C"
CECIL STREET	1620-22 West 5th St.	RECOMMENDED with 6th
	Lots 19 & 20, Blk.1	Height and Area
	R.Niles Graham Addn.	

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 Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Delwood Development Co., Inc. in accordance with the terms and provisions of a certain contract, copy of which is attached to this Resolution, and marked by the City Clerk for purposes of identification, and the City Clerk is hereby directed to file for permanent record in the office of the City Clerk the attached copy of said contract without recordation in the Minutes of the City Council. (On File Under WATER MAIN EXTENSIONS - Contract File No. 812-C )

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, certain public utility and drainage easements were reserved and dedicated to the public on a map or plat of "A Subdivision of the North Portion of Block E Rosedale Estates", according to a map or plat of said subdivision of record in Book 6, page 110, Plat Records of Travis County, Texas; and

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

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

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

- (1) That portion of the north seven and one-half (7.5) feet of Lot 6 of said "A Subdivision of the North Portion of Block E Rosedale Estates" which lies between the east line of Hilwin Circle and the west line of a drainage and utility easement along the rear of Lot 6 as shown on the map or plat of said subdivision.
- (2) That portion of the south seven and one-half (7.5) feet of Lot 7 of said "A Subdivision of the North Portion of Block E Rosedale Estates" which lies between the east line of Hilwin Circle and the west line of a drainage and public utility easement along the rear of Lot 7 as shown on the map or plat of said subdivision.

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

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

Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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 paving lien on Lot 72 and the West 45 feet of Lot 73, Enfield C Addition, an addition to the City of Austin, Travis County, Texas, in consideration of the full payment of such paving assessment against such property by Buford B. Fitz and wife, Oma L. Fitz, the apparent owners.

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

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

Noes: None

Mayor McAden announced that some traffic conditions that existed had come to the acute state where it was necessary for the government of the City to

proceed to take some drastic measures in regard to the streets adjoining the schools, and set up some speed zones to protect the children from 7:30 to 4:30. The enforcement would be very rigid during certain hours when the children were crossing. He stated different schools let out at different hours. Councilman Thompson moved that the City Manager be instructed to look into this particular matter and try to report back next Thursday if possible, with an ordinance setting up school zones at 20 miles per hour so as to protect the children. The motion, seconded by Councilman Long, carried by the following vote:

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

Councilman Thompson noted that this was the first time the Council had acted in the interest of the citizens doing something constructive for the safety and welfare on their own motivation and not from a delegation of citizens requesting such.

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

GUY STALNAKER & DR.		From "B" to "C"
PAUL STALNAKER	506 West 10th St.	RECOMMENDED

Mr. Stalnaker appeared on behalf of his application. No opposition appeared. The Mayor asked that those who favored upholding 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 that the requested change had been granted and the ordinance would be drawn to cover.

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AREA 5 - Von Rosenberg (West of Bluebonnet Lane & South of Zilker School) - Original Zoning as recommended by the Plan Commission - "A" First Hight and Area.

AREA 8 - Industrial Area - east of old city limit line north of Colorado River to Jain Lane) to "A" 1st Height and Area, on "A", "B", & "C" Districts, and "D" on the industrial districts.

AREA 16- Burnet Road area (North and west of old city limit line) "C" Sixth Height and Area, and "A" 1st Height and Area.

The Council received the following recommendation from the City Planning Commission:

AREA 5 - Von Rosenberg Tract: Original Zoning  
The property in the area under consideration for Original Zoning consists of one platted addition the nature of which

is entirely single family residential. The remainder of this area is composed of large tracts of undeveloped land and an occasional homestead on these tracts. Mr. Art Wilke, owner of the platted addition, appeared at the Commission hearing and stated that the character of the district was residential and requested a residential classification for his properties. Mr. Herbert Nitschke affirmed the above statements. All existing lots are at least 10,000 square feet or larger in size.

It was recommended by the Planning Commission that the City Council establish for that annexed area known as the Von Rosenberg tract "A" Residence District and First Height and Area.

The Mayor asked that those who favored upholding 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 zoning had been established and the ordinance would be drawn to cover.

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The Council received the following recommendation from the City Planning Commission:

**AREA 8 - Industrial Area: Original Zoning**

The development and general character of this annexed area consists of two independent types of uses--the first being single family residential and the second being heavy commercial and light industrial in nature. The single family residential districts are described generally as follows:

District "A" being several platted additions which lie immediately to the south of Bolm Road; extending from the former City limit line east to Airport Boulevard; and Bolm Road south to Gonzales Road and the south boundary of the Howard Nursery tract:

District "B" is a residentially developed section which extends east from the former City Limit Line to a line prolong from the south location of Shady Lane, being that property between Red Bluff Road and Colorado River:

District "C" is likewise a residential tract being developed with single family residential uses and a twenty-four acre City of Austin Park. This district is immediately to the east of Shady Lane and extends north and west to the City limit line, the south boundary being a general property line 650 feet more or less south of Bolm Road:

District "D", or the remaining property in this general district, is vacant or established with industrial uses. These uses include the Capitol Machine Works, the McCulla Machine Shop, Bruce Iron Works, Allied Oil Company, Yellow Transit Lines, Red Arrow Motor Lines, Centex Concrete Pipe Company, Bill's Auto Parts and Wrecking Yard, Highway Wrecking Company, Capital

Butane Gas Company, also the Montopolis Drive-in Theater. This district defined as being property generally along East 7th Street and East 5th and East 1st Streets including the properties at the intersection of Airport Boulevard and East 7th Street, the Montopolis Drive-in Theater and that commercially developed triangle south of Bolm Road and east of Airport Boulevard. A tract east and west of Airport Boulevard, located north of Bolm Road, west of Shady Lane, and south of M.K.&T. is likewise industrial in character.

It was recommended by the Planning Commission that the City Council establish for the section known as the industrial area "A" Residence District and First Height and Area on the above described A, B and C Districts; and "D" Industrial District and Sixth Height and Area for the above described industrial properties.

The Council postponed action on this area.

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The Council received the following recommendation from the City Planning Commission:

**AREA 16 - Burnet Road Area: Original Zoning**

This annexed area is immediately to the east and west of the Burnet Highway and, except for the southeast portion, is composed of only a narrow strip along the major highway. The general development of the entire district is that of single family residential use and large unplatted tracts. There are however, immediately adjoining the highway a few established business uses mainly of a retail store type or a heavy commercial type. These established retail and commercial uses are located on Burnet Road immediately north and south of Richcreek Road, Anderson Lane, and at the southwest intersection of U.S. Highway 183. Mr. C. T. Uselton et al have applied for a "C-1" Commercial classification on property in Burnet Road Heights Addition. This property is located east of a designed business district, and, because of its relation to adjacent business, is most suited for commercial development. The Planning Commission, however, recommends a "C" classification instead of the requested "C-1". The remainder of this annexed area is residential in use and character. Existing platted lots contain seven to eight thousand square feet.

It was recommended by the Planning Commission that the City Council to establish for the Burnet Road Area "C" Commercial District and Sixth Height and Area on the above described retail and commercial sections; and for the remaining areas "A" Residence District and First Height and Area.

The Council postponed action on this area.

Councilman Thompson complimented the Commission on their handling these problems, and cited the remarks of one gentleman that he had seldom been treated with more intelligent and kindness as he was in the Zoning Commission.

MR. JACK T. COX appeared before the Council regarding his dismissal from the City and circumstances regarding it; that he was not given advance notice or given an opportunity to resign or discuss the matter. He asked for an investigation of the qualifications of the Chief Inspector over plumbing. Councilman Long asked if he felt he were unjustly fired or fired without being given due notice and felt that the Council should establish a policy whereby the City employees should be protected without being fired without notice. Councilman Pearson stated he would uphold the Department Heads whose duties were to run the departments and if a Department Head felt an employee could not perform the duties efficiently, there was one thing to do and that was to release them. He did not believe it would be the Council's problem. He did not believe an employee would be discharged without having a just reason. Mr. Cox did not want to bring those reasons in--he had been given reasons, but there was nothing to them. He just wanted to get his reputation cleared; and for the city employees, he did not think a man should be fired and told about it the next day. Councilman White thought that a man should be notified in advance and be told why he was discharged. He had always practiced that with his employees. Councilman Long suggested that the charges be brought out. Councilman Thompson stated Mr. Cox had indicated he did not care to take up the reasons why he was fired, but his appearance was in objection to having been fired without being given notice. Mr. Cox stated since it had not been brought up from the floor, he did not want to go into it, as he thought the wrong attitude might be taken, and he did not want any mudslinging. MR. GEORGE W. HOWARD, member of the Plumbers Appeal Board, reported he had been circulating a petition trying to get the plumbing inspection separated like the electrical department. He was trying to get a Chief Inspector set up, as the city has only two plumbing inspectors, the same number it had 20 years ago. Councilman Thompson told him his petition would be in order when he was ready to present it, and he would certainly listen to a discussion of this problem. Possibly a study of the situation with the help of the city administration would result in a decision that the Plumbing inspection department should be expanded. MR. BARR, expressed a need for plumbing inspectors. MR. SMALLEY from W. O. Harpers, explained the difficulty in getting in touch with the Inspector, and the Department was undermanned. Mr. Howard stated a bookkeeper in the Sewer Department was being sent out for inspections, according to a complaint brought up on the Appeal Board. When Mr. Howard was asked about the petition, he stated he wanted to get 80% of the shops to sign it, whereas he had only 40 or 50% now.

The City Manager presented the following regarding skips in pavement:

"Memorandum to: W. E. Seaholm, City Manager  
Memorandum from: C. G. Levander, Director of Public Works  
Subject: Assessment of Paving skips on Voluntary Paving Program

"Mr. McKown, who has the contract for our Voluntary Paving Program, has notified me that he has been unable to sign up the remaining 45 units in his contract, and will have to cease operations, if the City's policy of requiring 100% of the property owners to participate, remains in force.

"He called my attention to the fact that in the majority of the units, only one or two property owners, in each unit, have refused to sign up. In practically every case, others are holding back with the statement that if the others sign they will also sign up; and, that in quite a few of the units, some of the property owners live out of town and are not interested in the paving.

"He has suggested that he be allowed to proceed with the paving of certain streets, leaving skips in the pavement where he is unable to obtain cooperation from the property owners, and, that as soon as the pavement is completed, the City pave these skips under a special paving assessment program.

"A typical 50 foot paving skip, based on the Voluntary Paving Program prices, will cost the property owner \$105.50; under the assessment program, we estimate that the cost to the property owner will be 205.00.

"Following is a list of Units selected from McKown's program with pertinent data concerning each:

Unit	Street	Length	Total Owners	Willing to Participate	Not Willing to Participate	Willing if Forced to	Refuse to Answer
2	Arcadia	800'	26	20	2	2	2
3	Arcadia	1160'	36	28	4	3	1
6	Brentwood	720'	27	23	1	3	-
9	Avenue D	880'	27	24	2	1	-
45	Avenue B	400'	13	10	1	2	-
13	Hollywood	750'	28	18	2	6	2
16	Lafayette	720'	21	18	1	2	-
42	Lydia	1040'	15	10	3	2	-
19	Newfield Lane	880'	32	27	1	-	4
47	Palma Plaza	360'	11	9	1	1	-
51	Peck Avenue	1400'	9	8	-	-	1
29	Schulle Avenue	1280'	25	17	4	4	-
36	West 35th	460'	18	16	2	-	-
37	West 36th	600'	19	15	4	-	-
38	East 39th	1240'	28	22	1	4	1
59	Sunshine Dr.	1547'	5	2	3	-	-
		14237	340	267	32	30	11 "

The City Manager asked the Council to set a policy whereby if the majority of people in a block volunteer on the paving, that it be carried out, and skips be left and later be worked in on an assessment program. Councilman Thompson was interested in the hardship cases. The City Manager explained that on hardship cases, a lien on the property could be given, and the City could set up a plan to be financed over a period of several years, if they wanted to go in on the paving.

The City Manager suggested as a matter on which the City could work, if 75% of the property owners along the street were ready to go on the volunteer program, that the City go ahead and work it out, the voluntary parties putting the money up, the others be skipped and assessed; and if there were hardship cases, that arrangements be worked out for them. Councilman Long moved that the Council adopt the recommendations of the City Manager as policy and asked him to proceed as fast as he could.

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 applications for change of zoning had been referred to the Planning Commission:

MRS. MYRTLE CUTHBERTSON	1500 Block W. 38th St.	From "A" to "B"
WALTER S. MICHALK	5531 Burnet Road	From "C" to "C-2"
AUSTIN TITLE CO., INC., & A. F. SMITH	1601 Sabine St. & 704 E. 16th St.	From "B" to "C"
TOM SALUDIS	319 So. Lamar Blvd.	From "C-1" to C-2"
R. B. MUELLER	1700-02-04 W. 35th St.	From "C" to "C-1"

There being no further business, the Council adjourned at 12:25 P.M.,  
subject to the call of the Mayor.

APPROVED:

  
Mayor

ATTEST:

  
City Clerk