

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 29, 1955
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll call:

Present: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works.

Invocation was delivered by DR. ED BRATCHER, Tarrytown Baptist Church.

Councilman Pearson moved that the minutes of June 23rd be approved. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The City Manager reported on the water facilities in St. John's Addition displaying a map showing the location of the present mains, and outlining the plans for a 12" line to be installed on Blackston within the next three years. On Providence Street there are 37 houses; and that if everyone would put up their deposits for water taps, the water could easily be extended up that street. On Meadow Street there are only 23 houses. The Mayor suggested writing all the property owners that the City, when the tap fees were deposited, would run the line the whole length of the street. The City Manager stated that when there was a total of 60 for the two streets, water could be put in on both streets. Councilman White inquired how that would fit in with the present policy, and the City Manager explained. Councilman Long asked if the City Manager would report back in three or four weeks and let the Council know how this was developing.

No action was taken on the resolution authorizing the City Manager to execute contracts on the houses to be sold by the City, and the matter was postponed until the following week.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, four guy wire easements, each being five (5) feet in width, were dedicated and reserved in, upon and across a part of Lots 1 and 2, Block "C" and Lots 1 and 2, Block "B" of West View Heights, a subdivision of a portion of the George W. Spear League in the City of Austin, Travis County, Texas, according to a map or plat of said West View Heights of record in Book 7 at page 88, Plat Records of Travis County, Texas; and,

WHEREAS, the owners of said lots have heretofore granted the City of Austin an electric line easement on certain lots at more desirable locations; and,

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

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

That W. T. Williams, Jr., City Manager be, and he is hereby authorized and directed to execute a release of said guy wire easements, located on the following described property, to wit:

(1) The north twenty five (25) feet of the east five (5) feet of Lot 1, Block C of said West View Heights;

(2) The north twenty five (25) feet of the west five (5) feet of Lot 2, of Block C of said West View Heights;

(3) The north twenty five (25) feet of the east five (5) feet of Lot 1 of Block B of said West View Heights;

(4) The north twenty five (25) feet of the west five (5) feet of Lot 2 of Block B of said West View Heights.

The motion, seconded by Councilman Pearson, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
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 W. T. Williams, Jr., City Manager, be and he is hereby authorized and directed, on behalf of the City of Austin, to enter into a contract with Elmer Burch, by the terms of which the City of Austin will lease, for cafe purposes, to the said Elmer Burch for a term of Five (5) years beginning July 1, 1955, and ending June 30, 1960, 1209 square feet of the Administration Building and the accompanying area, at the Municipal Airport now used for cafe purposes, in accordance with the terms and provisions of said contract, 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 contract in the permanent files of the City Clerk's Office.

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

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Mayor Miller introduced the following ordinance:

AN ORDINANCE APPROPRIATING FUNDS FOR VARIOUS
PURPOSES, AND DECLARING AN EMERGENCY.
(\$17,000.00 - Asphalt Emulsion)

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, Palmer, Pearson, White, Mayor Miller
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, Palmer, Pearson, White, Mayor Miller
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, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL
AND TRUE OWNERS OF PROPERTY ABUTTING UPON WESTVIEW
DRIVE IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS
HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE
TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THERE-
OF, BY VIRTUE OF THE IMPROVEMENT OF SAID STREET WITH-
IN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR
IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT
THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY
PARCEL OF PROPERTY ABUTTING UPON SAID STREET WITHIN
THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND

ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREET WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON 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, Palmer, Pearson, White, Mayor Miller
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, Palmer, Pearson, White, Mayor Miller
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, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON BURRELL DRIVE IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, BY VIRTUE OF THE IMPROVEMENT OF SAID STREET WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREET WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE

PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREET WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON 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 Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
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 Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

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

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman Palmer offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, H. E. Stanley is the Contractor for the demolition of a building located at 211 West 7th Street and desires a portion of the sidewalk and street space abutting Lot 12 and the West 36 feet of Lot 11, Block 71, of the Original City of Austin, Travis County, Texas, during the demolition of the building, such space to be used in the work and for the storage of materials therefor; therefore

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

1. THAT space for the uses hereinabove enumerated be granted to said H. E. Stanley, 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 northerly direction and at right

angles to the centerline of West 7th Street to a point 12 feet north of the south curb line; thence in a westerly direction and parallel to the centerline of West 7th Street approximately 82 feet to a point; thence in a southerly direction and at right angles to the centerline of West 7th Street to the north west corner of the above described property.

Thence in a westerly direction and at right angles to the centerline of Colorado Street to a point 12 feet west of the east curb line; thence in a southerly direction and parallel to the centerline of Lavaca Street approximately 100 feet to a point; thence in an easterly direction and at right angles to the centerline of Lavaca Street to the west line of the above described property.

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

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City Officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

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

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

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

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

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

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

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

(9) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than August 20, 1955.

(10) That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12) That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City Forces, or public utilities, shall be replaced or repaired at the Contractor expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1000) 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, Palmer, Pearson, White, Mayor Miller
Noes: None

Discussion on experimental paving of 12 blocks in East Austin was held. Councilman Pearson believed the lowest specifications were now being used that could be and still maintain the subdivision ordinance, and so many streets were being paved under that ordinance that he did not want to see it destroyed. He believed when the curbs and gutters were constructed there was very little difference in the types of paving, and it had been admitted that this specific type of paving would need maintenance within three years. Councilman Long discussed the types of base in connection with costs of paving. Councilman White was for curbs and gutters and for this type of paving under consideration if it could be put in on an experimental basis and not jeopardize the subdivision ordinance. The City Attorney explained certain possibilities if the ordinance were contested in the courts. Councilman Palmer believed the problem was primarily financing; that 90% of the people preferred to have the better grade of pavement if they could work out their finances. He stated the only way he would go on the lower type of pavement would be with an agreement with the property owners that if it did not hold up, the City would have the right to

tear it out and put in the better type of paving and assess the owners. He believed the people wanted good paving and a way to finance it. He had a study under way on the financing problems and would present it soon. The City Manager pointed out that the plan submitted by Mr. Sandahl did not include curbs and gutters; and that he proposed to put a surface on the street at the present grade. If the grades were not proper, they would have to be changed before any surface would be put on. Councilman Long reported on a tour of the City with Mr. George Sutherland, paving contractor, to see the condition of the various streets and various types of paving. The Mayor wanted to clarify some of the misunderstandings regarding paving. He believed home owners with a good credit rating could get credit from the banks and financial institutions; that if the people wanted to vote bonds for a revolving fund, that would be fine; but he personally was not in favor of using the pension fund for this purpose. He would be willing to put down the 12 blocks of paving as advocated, tying it down with Mr. Palmer's amendment; that if it did not hold up the people would be assessed. Detailed discussion on costs of curbs and gutters, paving costs, and costs of excavation and base was held. Councilmen Long and Pearson suggested having reports ever so often on the number of petitions coming in and number of blocks covered for paving. It was decided a report would be filed the first Thursday in every month. No action was taken on the low-type of paving of the 12 block area at this time.

The Council received notice that public hearing on the newly annexed territories would be set for July 21, 1955:

Highland Park West, Section 2
Manor Hills, Section 2
St. Anthony's Village, Section 2
Highland Park West, Section 3
Walnut Hills, Sections 4 and 5
Jain Lane and Perry Road Tract
West Park Addition
Burrell Tract

The Council recessed at 11:40 A.M. to meet again at 2:00 P.M. with MR. PHILLIP THOMPSON, Manager of the Atlantic City Auditorium, and President of the Auditorium Association, and consultant for the City of Austin in the construction and design of its Auditorium.

Recessed Meeting

2:00 P.M.

The Council resumed its meeting and heard MR. PHILLIP THOMPSON. Mr. Thompson went over the plans and made the following comments and suggestions:

1. The 3500 seat set-up was ideal.
2. He believed there were too many dressing rooms and suggested a restudy of this to see if some of the dressing rooms couldn't be changed to act as committee rooms at times.
3. The number of toilet rooms was out of line, and he suggested that the number be combined and not be scattered over the building.

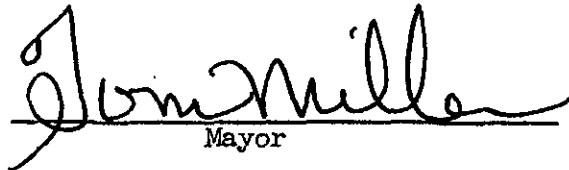
4. He urged a study of the stairways and suggested a combination of them.
5. The booth space had been under estimated, and he believed with the restudy of cutting down on the number of stairways and toilet rooms, that the booth space could be expanded.
6. He emphasized one entrance rather than two--not speaking of exits.

As to the suggestions made by the Jr. Chamber of Commerce, he went over them with his recommendations, not discussing the grade level of the Auditorium. In addition to the entrances and the committee rooms already discussed, he recommended no permanent concession areas. Their largest income was from concessions in which they received 25%, and it was important that the city held on to the concessions.

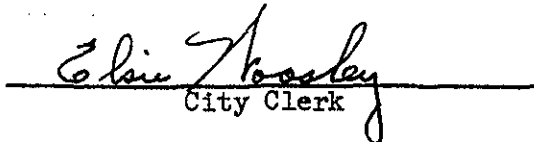
Mr. Thompson stated he had gone over these plans with the idea of cutting the cost of construction and the cost of operations. Discussion covered operating with a Manager and Board rather than directly under the city; the status of the building as being fireproof; the location, and the possibility of lowering the grade 4'. The Mayor suggested that MR. MUNSY WILSON discuss this with MR. MAX STARCHE. MR. THOMPSON was complimentary of the plans and stated the auditorium would be a beautiful useful building.

There being no further business the Council adjourned at 3:30 P.M. subject to the call of the Mayor.

APPROVED


Mayor

ATTEST:


City Clerk