

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 29, 1955
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Pro-tem Pearson presiding.

Roll call:

Present: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson
Absent: Mayor Miller

Councilman Long made a correction of the Minutes of December 22nd. Councilman White moved that the Minutes of December 15 and the Minutes of December 22nd as corrected be approved. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson
Noes: None
Absent: Mayor Miller

Mayor Pro-tem Pearson introduced MR. STUART JOHNSTON from St. Paul Minnesota, and welcomed him to Austin.

Mayor Pro-tem Pearson introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS 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 STREETS 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 STREETS 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 STREETS 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 ITS PASSAGE. (Alegria Road, Brentwood Street and Avenue D)

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 Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson
Noes: None
Absent: Mayor Miller

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 Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson
Noes: None
Absent: Mayor Miller

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

Ayes: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson
Noes: None
Absent: Mayor Miller

The Mayor Pro-tem announced that the ordinance had been finally passed.

Mayor Pro-tem Pearson introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS 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 STREETS 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 STREETS 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 STREETS 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 ITS PASSAGE. (Overdale and Overbrook Drives)

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, Palmer, White, Mayor Pro-tem Pearson
Noes: None
Absent: Mayor Miller

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, Palmer, White, Mayor Pro-tem Pearson
Noes: None
Absent: Mayor Miller

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, Palmer, White, Mayor Pro-tem Pearson
Noes: None
Absent: Mayor Miller

The Mayor Pro-tem announced that the ordinance had been finally passed.

Mayor Pro-tem Pearson introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING THAT CERTAIN PORTION OF SAINT JOSEPH BOULEVARD WHICH LIES BETWEEN THE WESTERLY PROLONGATION OF THE NORTH LINE OF MORROW STREET AND THE NORTH LINE OF CRESTVIEW ADDITION, SECTION 4, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

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

Ayes: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson
Noes: None
Absent: Mayor Miller

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 Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson
Noes: None
Absent: Mayor Miller

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

Ayes: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson
Noes: None
Absent: Mayor Miller

The Mayor Pro-tem announced that the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, G. F. B. Construction Company is the Contractor for the demolition of a building located at 1009 and 1011 Congress Avenue and desires a portion of the sidewalk and street space abutting Lot 3, Block 123, 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 G.F.B. Construction Company, the boundary of which is described as follows:

Sidewalk and Street Working Space

1-a

Beginning at the southwest corner of the above described property; thence at right angles to the centerline of Congress Avenue to a point 12 feet west of the east curb line; thence in a northerly direction and parallel with the centerline of Congress Avenue approximately 43 feet to a point; thence in an easterly direction and at right angles to the centerline of Congress Avenue to the north west corner of the above described property.

1-b

Beginning at the north west corner of the above described property; thence in a northerly direction and at right angles to the centerline of the alley approximately 8 feet to a point; thence in an easterly direction and parallel with the centerline of the alley 160 feet to a point; thence in a southerly direction and at right angles to the centerline of the alley to the north east corner of the above described property.

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

Legal description 1-a, 4-foot walkway

(1a) 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.

Legal description 1-b, guard rail

(1b) That the Contractor shall construct in the alley a guard rail within the boundary lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(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 corners of any walkway, barricades or obstructions, red lights 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 April 1, 1956.

(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's expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5000) 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 Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson

Noes: None

Absent: Mayor Miller

Mayor Pro-tem Pearson introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF
IMPROVING PORTIONS OF KAREN AVENUE AND PAYNE AVENUE,
IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS
HEREBELOW DEFINED, PERFORMED BY MCKOWN & SONS
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, Palmer, White, Mayor Pro-tem Pearson
Noes: None
Absent: Mayor Miller

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, White, Mayor Pro-tem Pearson
Noes: None
Absent: Mayor Miller

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, White, Mayor Pro-tem Pearson
Noes: None
Absent: Mayor Miller

The Mayor Pro-tem announced that the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 28, 1955, for the installation of a 24 inch water main in Red River and East 38th Streets to Airport Boulevard and East 19th Street; and,

WHEREAS, the bid of Ford-Wagner, Inc. in the sum of \$85,501.72 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Superintendent of the Water and Sewer Department of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Ford-Wagner, Inc. in the sum of \$85,501.72 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Ford-Wagner, Inc.

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

Ayes: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson
Noes: None
Absent: Mayor Miller

The City Manager reported that there were double sinks and drainboard at the Brackenridge Hospital that could not be used and Mr. DeBoard had two bids on them. Onion Creek Lodge bid \$150 and Bell Bottom Foundation bid \$135. Onion Creek Lodge wanted the sinks this week or they could not use them as they were ready to install them. Mayor Pro-tem Pearson suggested that maybe the Boy Scouts could use these as they were building a new mess hall and he would check and see. Councilman White stated he would go out and look at them. Councilman Long moved that the City Manager be instructed to sell the sinks and drainboard to Onion Creek Lodge for \$150 unless something better develops today. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson
Noes: None
Absent: Mayor Miller

The Director of Public Works submitted a request from Capitol Paper Company for permission to install truck scales in the sidewalk area on San Jacinto Boulevard at 4th Street. He did not recommend this. Councilman Long moved that the request be DENIED. The motion, seconded by Councilman Palmer, carried by the following vote:

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

The Council called to the attention of the general public, that the dog ordinance would be effective January 3rd. Inquiry was made if the dog pound improvements had been made and the City Manager reported it would be adequate for now and they were ready to enlarge it as needed.

The Council set January 12th as the date to discuss the sale of city owned property and decide which pieces of land would be sold.

MR. A. G. BUSH, 1609 East 1st Street, protested his city taxes. He was advised to render his taxes for next year for what he thought it was worth and then appear before the Board of Equalization. Mr. Bush also protested a Body Works and Wrecking Yard across the street from him. He objected to the noise and the parking of wrecked cars. Councilman White stated he would check this with the Police Department. Mr. Bush inquired if the Body Works and Wrecking Yard was in the right zone and the City Attorney was asked to check and see if there were any violations to the zoning ordinance.

There being no further business, Councilman Palmer moved that the Council adjourn, subject to the call of the Mayor. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Palmer, White, Mayor Pro-tem Pearson
Noes: None
Absent: Mayor Miller

The Council adjourned at 11:05 A.M.

APPROVED

Tom Miller
Mayor Pro-tem

ATTEST:

Grace Monroe

Deputy City Clerk