

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 23, 1958
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 REV. DAVID LARSON, Prince of Peace Lutheran Church, 1635 East Live Oak.

Councilman White moved that the Minutes of the Meeting of October 16, 1958, be approved. The motion, seconded by Councilman Palmer, carried by the following vote:

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

MR. DON MATHIS appeared requesting permission to have a street dance in University Avenue between 19th and 20th Streets, having that street closed off between 8:00 and 10:00 P.M., Tuesday, October 28th. The occasion was for University students, and Mr. Mathis stated he had cleared through the Dean of Student Life. Councilman Long moved that the City Manager be instructed to do all the necessary things--check with the property owners in the block, etc. The motion, seconded by Councilman White, carried by the following vote:

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

MRS. SUE ROWAN, 1903 Stamford Lane, appeared before the City Council regarding a drainage problem on her property. The Director of Public Works gave a report on the drainage in this area. MR. DAVIES, owner of the property at 1901 Stamford also appeared. It was their idea anything they did would be useless unless MR. JAY MATTHEWS came in with a drainage on his property. Councilman White wanted to make a personal inspection of the area with the

Director of Public Works. The Mayor announced that after this trip, that something would be worked out for them as soon as possible.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 1 OF THE AUSTIN CITY CODE OF 1954 BY ADDING THERETO A NEW SECTION PERTAINING TO THE DUTIES OF THE DIRECTOR OF PUBLIC SAFETY, DESIGNATED SECTION 1.11; A NEW SECTION PERTAINING TO THE DUTIES OF ASSISTANT DIRECTORS OF PUBLIC SAFETY, DESIGNATED SECTION 1.12; AND DECLARING AN EMERGENCY.

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, Palmer, Pearson, White, Mayor Miller
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, Palmer, Pearson, White, Mayor Miller
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, 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 AMENDING ORDINANCE NO. 580925-A TO MAKE CERTAIN ADJUSTMENTS IN ACCOUNTS NOS. 2101, 2102, AND 2200; AND DECLARING AN EMERGENCY.

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, Palmer, Pearson, White, Mayor Miller
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, Palmer, Pearson, White, Mayor Miller
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, 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 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 FOLLOWING:

- (1) LOTS 1 AND 2, BLOCK 2, CHERNOSKY ADDITION, NO. 15, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT;
- (2) LOT 2, BLOCK R, DRIVING PARK ADDITION, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT;
- (3) THE SOUTH 50 FEET OF LOTS 3 AND 4, BLOCK 13, C. R. JOHNS SUBDIVISION, FROM "A" RESIDENCE DISTRICT TO "O" OFFICE DISTRICT;
- (4) (a) A TRACT OF LAND FRONTING 165.71 FEET ON THE EAST RIGHT OF WAY LINE OF AIRPORT BOULEVARD AND 166.59 FEET ON THE SOUTH RIGHT OF WAY LINE OF EAST 46TH STREET, LOCALLY KNOWN AS 4527-4537 AIRPORT BOULEVARD AND 1001-1005 EAST 46TH STREET, FROM "LR" LOCAL RETAIL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (b) A TRACT OF LAND FRONTING 55.24 FEET ON THE EAST RIGHT OF WAY LINE OF AIRPORT BOULEVARD AT A POINT 165.71 FEET SOUTH OF THE SOUTH RIGHT OF WAY LINE OF EAST 46TH STREET, LOCALLY KNOWN AS 4523-4525 AIRPORT BOULEVARD, FROM "C" COMMERCIAL DISTRICT TO "C-2" COMMERCIAL DISTRICT;
- (5) A TRACT OF LAND FRONTING APPROXIMATELY 140 FEET ON THE NORTH RIGHT OF WAY LINE OF EAST 49½ STREET AND 110 FEET ON THE WEST RIGHT OF WAY LINE OF BENNETT AVENUE, LOCALLY KNOWN AS 906-910 EAST 49½ STREET AND 4908-4910 BENNETT AVENUE, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT;
- (6) LOT 9, BLOCK 15, GRANDVIEW PLACE, FROM "A" RESIDENCE DISTRICT TO "LR" LOCAL RETAIL DISTRICT;
- (7) THE WEST 75 FEET OF THE NORTH 153.89 FEET OF LOT 2, BLOCK B, CHERICO SUBDIVISION NO. 1, FROM "A" RESIDENCE DISTRICT TO "B" RESIDENCE DISTRICT;
- (8) LOTS 1 AND 2, BLOCK 1, LINCOLN GARDENS, SECTION 2, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT AND "C" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT TO "C-1" COMMERCIAL DISTRICT AND SIXTH HEIGHT AND AREA DISTRICT; AND
- (9) LOT 3, BLOCK B, HOMEWOOD ADDITION, FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "BB" RESIDENCE DISTRICT AND

SECOND HEIGHT AND AREA DISTRICT; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA MAPS SO AS TO RECORD THE CHANGES 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, 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.

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain public utility easement, five (5) feet in width, was reserved and dedicated to the public out of Lot 1, Block "V", Balcones Park, Section 8, a Subdivision of a portion of the Albert Silsbe Survey No. 1 and the Thomas J. Chambers Survey, in the City of Austin, Travis County, Texas, according to a map or plat of said Balcones Park, Section 8, of record in Book 8, page 22 of the Plat Records of Travis County, Texas; and,

WHEREAS, the owner of the hereinafter described premises has requested that a portion of said public utility easement located thereon be released; and,

WHEREAS, the hereinafter described portion of said public utility easement is 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 the City Manager be and he is hereby authorized to execute a partial release of said public utility easement; said partial release to describe the

hereinafter described portion of said five (5) foot public utility easement; said portion released being more particularly described as follows, to wit:

Five (5.00) square feet of land, more or less, same being out of and a part of Lot 1, Block "V" of Balcones Park, Section 8, a Subdivision of a portion of the Albert Silsbe Survey No. 1 and the Thomas J. Chambers Survey according to a map or plat of said Balcones Park, Section 8, of record in Book 8, page 22 of the Plat Records of Travis County, Texas, and being more particularly described as follows:

BEGINNING at the Southeast corner of the herein described tract of land, same being the Southeast corner of an existing building and from which point of BEGINNING the Southeast corner of said Lot 1, Block "V", Balcones Park, Section 8, same being a point in the North line of Shinoak Drive bears South $40^{\circ} 15'$ East 3.40 feet, South $49^{\circ} 45'$ West 21.50 feet and South $37^{\circ} 24'$ West 9.06 feet;

THENCE, with the South line of the herein described tract of land same being the South line of an existing building in a Westerly direction to a point on the West line of said easement five (5.00) feet in width, same being the Southwest corner of the herein described tract of land;

THENCE, with the West line of said utility easement five (5.00) feet in width in a Northerly or Northeasterly direction, same being a line five (5.00) feet West of and parallel to the East line of said Lot 1 to the point of intersection between the West line of said utility easement and the East line of an existing building;

THENCE, with the East line of said building in a Southerly or Southwesterly direction to the point of BEGINNING.

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

The Council was given copies of a proposed ordinance regulating private detective and nightwatch businesses. Action was deferred until next week for study.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on October 14, 1958, for the installation of water and sanitary sewer mains from Elgin Avenue to Canyon Circle (West); and,

WHEREAS, the bid of James D. Weaver in the sum of \$37,197.95 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of 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 James D. Weaver in the sum of \$37,197.95 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 James D. Weaver.

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

Councilman Long reported a cut in Brazos Street between 12th and 11th, and there was no marker to show where it was.

Mayor Miller 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 31.70 ACRES OF LAND, SAME BEING A PART OF THE A. B. SPEAR SURVEY, IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND 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, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Miller 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 0.204 OF ONE ACRE OF LAND, SAME BEING OUT OF AND A PART OF THE A. W. CANFIELD SURVEY, IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND 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, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Miller 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 2.55 ACRES OF LAND, MORE OR LESS, SAME BEING OUT OF AND A PART OF THE JAMES P. WALLACE SURVEY NO. 57, IN TRAVIS COUNTY TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND 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, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

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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.

The City Manager announced that the Texas League of Municipalities was meeting in Houston on November 2, 3 and 4th, and that Austin was anxious to get the convention held in Austin in 1960. Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the League of Texas Municipalities holds its annual meeting in the Fall, and has not yet selected the site for its 1960 annual meeting; and,

WHEREAS, the City of Austin, a member of the League, has heretofore been unable to offer facilities of a scope and quality adequate to the needs of the League, but has nearing completion its Municipal Auditorium and Convention Center which will offer adequate space for general meetings and for committee and section meetings unmatched for beauty and for convenience to transportation facilities, hotels and motels, and downtown; together with the additional convenience of being the location of the seat of government and of the League offices; Now, Therefore,

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

That the City Manager and such other officers of the City as may attend the annual meeting of the League for 1958 shall convey to the League the invitation of the City of Austin that the League will honor the said City by holding its 1960 Annual Meeting in the City of Austin.

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

Brief discussion was held on adopting a prevailing wage scale. It was decided to call in representatives from the Associated General Contractors, Heavy Duty Branch; Mr. Marcos Loftis, Building Trades; Mr. J. M. Odom, and Mr. Rex Kitchens, contractors; and Mr. Julian Montgomery, consulting engineer, and go over the lists once more. A meeting was to be set when the group could all get together.

The Council recessed until 2:30 P.M.

RECESSED MEETING

2:30 P.M.

At 2:30 P.M., the Council heard two proposals for the Auditorium-Coliseum Concessions.

MR. R. G. McELYEA, Forth Worth, gave his background in concession business, covering some 13 to 15 years. His offer to the City was 25% on Concessions; 10% on Cigarettes; and 10% on seated banquets, which he handled, and which he understood could be given to some other caterer. He preferred a 5 year contract, and stated a minimum of \$20,000 would be invested at first. He generally had exclusive right on all concession privileges with the exception of seated banquets or seated meals. The prices he charged for concessions would be standard prices: 10¢ and 20¢ on soft drinks in 9 oz. and 18 oz. cups; 35¢ for hamburgers; 30¢ and 35¢ for beer. He outlined the method of operation and accounting. He stated 95% of his purchases would be made in Austin.

MR. EDDIE JOSEPH, Austin, outlined his experience in catering and concession work. His offer was 25.5% on concessions, on everything except tobacco, cigars and cigarettes which would be 12%. He preferred a five year contract, and stated his investment would be between \$20,000 and \$30,000. He intended using vending machines in isolated places. Prices he would charge for drinks, etc., would be standard, and all of his purchases would be made locally. He proposed a high class concession and catering service, and a certified accounting of the income.

Cancellation of leases with the City's buying the equipment at a certain depreciation figure was discussed with both concessionaires; also whether or not the concessionaires would permit other clubs' bringing in their own food and drinks, or exhibitors' serving free foods or drinks; and the usual contract with the Shrine Circus where they sold concessions. Both concessionaires stated their hours of service would be under the direction of the Auditorium Manager.

The Council took no action at this time on accepting the proposals for the concessions.

The Council received notice from the City Manager that the following zoning applications had been referred to the Planning Commission and set for public hearing before the Council on November 13, 1958:

NETTIE M. BASS	205 East 45th Street	From "A" Residence To "LR" Local Retail
EARL CHASE	2359 Rosewood Avenue	From "C" Commercial To "C-2" Commercial
T. B. ECHOLS	2900 East 12th Street	From "A" Residence To "LR" Local Retail
SAM McDONALD	706-14 Delmar and 7500-04 Interregional Highway	From "A" Residence To "C" Commercial

MRS. E. J. ALFF	1913-17 East 19th Street 1806-10 Poquito	From "A" Residence To "C" Commercial
OLICE ARNOLD	1122 Nile Street	From "A" Residence To "B" Residence
KING CLOTHING CO., INC.	5308 Burnet Road	From "C" Commercial To "C-2" Commercial
H. W. SAUER	1104 Midway	From "A" Residence To "IR" Local Retail
ORIGINAL ZONING	Areas 5 thru 7	

There being no further business, the Council adjourned at 5:15 P.M.,
subject to the call of the Mayor.

APPROVED

Tom Miller
Mayor

ATTEST:

Edna Mossley
City Clerk