

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 13, 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. B. L. McCORMICK, Grant Chapel, A.M.E., 1179 Poquito.

Councilman Pearson moved that the Minutes of the Meeting of November 6, 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. E. J. WALKER appeared before the Council regarding appealing the value of his property as set by the Board of Equalization. Mr. Walker was advised to file a letter addressed to the City Council with the City Clerk and that the Council would hear his appeal on November 20th, in the afternoon meeting.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that public necessity requires the expansion of the Robert Mueller Municipal Airport located in the City of Austin in order to provide for the extension of existing runways and the creation of new terminal facilities to provide for the safe takeoff, landing and handling of commercial and private aircraft; and, to insure the safety of persons living in houses located beneath aircraft approach glide paths; and,

WHEREAS, the City Council has found and determined that the hereinafter described land must be acquired in order to provide for such expansion of said airport; and,

WHEREAS, the City of Austin has negotiated with the owner of such land and has been unable to agree with such owner as to the fair cash market value thereof; Now, Therefore,

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 file or cause to be filed against all owners and lienholders, a suit in eminent domain to acquire fee simple title for said purposes to the following described tracts of land:

Being all of those three (3) certain tracts of land out of Lot 2 of the S. F. Nolen Subdivision in the City of Austin, Travis County, Texas, according to the map or plat of said Addition of record in the Plat Records of Travis County, Texas, and being more particularly described as follows:

(1) Being all of that certain tract of land which was conveyed by W. W. Carter and Wife, Maude Carter, to W. H. Cowan and wife, Mae D. Cowan, by deed dated March 30, 1948, and recorded in Book 858, page 119 of the Deed Records of Travis County, Texas.

(2) Being all of that certain tract of land which was conveyed by W. W. Carter and wife, Maude Carter, to W. H. Cowan and wife, Mae D. Cowan, by deed dated July 1, 1951, and recorded in Book 1202, page 365 of the Deed Records of Travis County, Texas.

(3) Being all of that certain tract of land which was conveyed by Harry Menn and wife, Vera E. Menn, to W. H. Cowan and wife, Mae D. Cowan, by deed dated March 10, 1947, and recorded in Book 846, page 191 of the Deed Records of Travis County, Texas.

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

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, heretofore, on the 1st day of August, 1957, the City Council of the City of Austin, Texas, duly passed and adopted a resolution wherein a certain area within the City of Austin designated as Thomas Jefferson Heights, Kealing Project, therein particularly described, was proposed as an Urban Renewal Area; and wherein the Housing and Home Finance Administrator was requested

to reserve for an urban renewal project in such proposed Urban Renewal Area Federal capital grant funds in an amount sufficient to enable the City of Austin to finance the undertaking of the Project; and wherein the filing of an application by the City of Austin for an Advance of funds from the United States of America in an amount not to exceed \$47,755.00 for surveys and plans for an urban renewal project in such area was approved; and,

WHEREAS, pursuant to such resolution, application for such funds was made, and subsequently approved and granted, and a Contract for Planning Advance for Surveys and Plans for Urban Renewal Project, dated as of February 13, 1958 and amended May 1, 1958, designated as Contract No. Tex. R-20(A), by and between the United States of America acting by and through the Housing and Home Finance Administrator, and the City of Austin, Texas, as the Local Public Agency, was made and executed; and

WHEREAS, the preliminary planning and surveys that have been subsequently made indicate the desirability and advisability of making certain boundary changes in said abovementioned Urban Renewal Area, as hereinafter set forth; Now, Therefore,

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

SECTION 1. That the boundaries of said Urban Renewal Area in the City of Austin, Texas, as originally set out and designated in the abovementioned Resolution of August 1, 1957, be and they are hereby changed so that said Urban Renewal Area in the City of Austin, Texas, shall hereafter be described as follows, to wit:

BEGINNING at the intersection of the North right-of-way line of East 12th Street and the East right-of-way line of Chicon Street;

THENCE, Westerly, along the North right-of-way line of East 12th Street, 1925 feet, more or less, to point for corner;

THENCE, Southerly, 175 feet West of and parallel to the West right-of-way line of Angelina Street, 1564 feet, more or less, to point for corner in the South right-of-way line of Rosewood Avenue;

THENCE, Easterly, along the South right-of-way line of Rosewood Avenue, to its intersection with the Southeast right-of-way line of Chicon Street;

THENCE, Northwesterly 85 feet, more or less, to the intersection of the North right-of-way line of Rosewood Avenue and the East right-of-way line of Chicon Street;

THENCE, Northerly, along the East right-of-way line of Chicon Street, 1506 feet, more or less, to the place of beginning and containing 69.2 acres of land, more or less.

SECTION 2. Except as hereby amended, said Resolution of August 1, 1957, above-mentioned, shall be and remain in full force and effect, and the actions of the

City of Austin, Texas, and all contracts and undertakings heretofore made by the City of Austin, Texas, in pursuance to said Resolution and in connection with the furtherance of the Urban Renewal Project, are hereby, in all respects, ratified and confirmed.

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the application of The Capital National Bank of Austin, Texas, to construct and maintain the hereinafter described underground improvements:

Two (2) pneumatic tubes laid parallel on ten inch (10") centers, both to be installed within a two and one-half (2-1/2) foot space assignment, which is described for convenience in four (4) parts, the centerline of which two and one-half (2-1/2) foot wide space assignment is described as follows:

Assignments for an underground pneumatic tube system in and under Colorado Street and West 7th Street, not to exceed a width of two and one-half (2-1/2) feet. The centerline of said two and one-half (2-1/2) foot wide underground pneumatic tube assignment being more particularly described as follows:

No. 1. In Colorado Street - Beginning at a point in the East line of Colorado Street at a point 146.55 feet North of the North line of West 7th Street and extending at right angles to the East line of said Colorado Street in a Westerly direction 29.25 feet.

No. 2. In Colorado Street - Extending from a point 146.55 feet North of the North line of West 7th Street and 10.75 feet East of the centerline of Colorado Street in a Southerly direction 10.75 feet East of and parallel to the centerline of Colorado Street to a point 5.75 feet South of the centerline of West 7th Street.

No. 3. In West 7th Street - Extending from a point 10.75 feet East of the centerline of Colorado Street and 5.75 feet South of the centerline of West 7th Street in a Westerly direction 5.75 feet South of and parallel to the centerline of West 7th Street 221 feet.

No. 4. In West 7th Street - Extending from a point in the South line of West 7th Street, which point is 170.25 feet West of the West line of Colorado Street in a Northerly direction at right angles to the South line of West 7th Street, 34.25 feet to a point 5.75 feet South of the centerline of said West 7th Street.

be and the same is hereby granted and the Building Inspector is hereby authorized to issue a permit for the construction of such improvements, said grant and

permit to be subject to the following conditions:

- (1). The improvements shall be constructed and maintained in compliance with all ordinances relating thereto,
- (2). The permit shall be issued and accepted subject to all reasonable police, traffic, fire and health regulations of the City of Austin, now existing or hereafter adopted.
- (3). The repair or relocation of any and all utilities in the vicinity necessitated by the laying of these improvements shall be done at the expense of The Capital National Bank of Austin, Texas,
- (4). The Capital National Bank of Austin, Texas, will indemnify and save the City of Austin harmless from any and all claims against said City growing out of or connected with the construction or maintenance of said improvement.
- (5). The City of Austin may revoke such permit at any time and upon such revocation the owner of such improvements will remove the same and pay all costs and expenses attendant therewith.

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

Councilman Pearson 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 of the City of Austin, be and he is hereby authorized to execute an easement from the City of Austin to the State of Texas for the benefit of the Game & Fish Commission of Texas, granting an easement in and on five acres of land out of and a part of the I. & G.N. Railroad Survey No. 11 in the City of Austin, Travis County, Texas, which was conveyed to the City of Austin together with other property by warranty deed from W. F. Hayes, et ux, dated October 2, 1939, of record in Volume 623, at page 477 of the Deed Records of Travis County, Texas, in accordance with the terms and conditions of that certain easement as exhibited to the City Council by the City Manager; and,

BE IT FURTHER RESOLVED:

That the City Manager is hereby authorized and directed to place a copy of said easement in the permanent files of the City Clerk's Office.

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

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

EARL CHASE

2355-2363 Rosewood Avenue

From "E" Commercial
To "C-2" Commercial
RECOMMENDED by the
Planning Commission

Mr. Robert Sneed represented the applicant and Lessee, Miss Christine Martin, and offered to amend the application to "C-1" Commercial and reduce the area in size. Opposition was expressed by Pauline Barlow, who named others present in opposition. Mrs. Thelma Elliott, Booker T. Moore, Dr. B. L. McCormick appeared in opposition. The Mayor asked those who wished to grant the change to "C-2" Commercial to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: None

Noes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

The Mayor announced that the change had been DENIED.

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KING CLOTHING CO.,
INC. By T. E.
O'Quinn, Attorney

5308 Burnet Road

From "A" Residence
To "C-2" Commercial
RECOMMENDED by the
Planning Commission

The Mayor asked those who wished to grant the change to "C-2" Commercial to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

The Mayor announced that the change had been granted to "C-2" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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OLICE ARNOLD

1122 Nile Street

From "A" Residence
1st Hgt. & Area
To "B" Residence 6th
Height & Area
RECOMMENDED to grant
"B" Residence, but
DENY 6th Height and
Area, by the
Planning Commission

The Mayor asked those who wished to grant the change to "B" Residence 1st Height and Area to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

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

The Mayor announced that the change had been granted to "B" Residence 1st Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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H. W. SAUER

1104 Midway

From "A" Residence
To "LR" Local Retail
NOT Recommended by
the Planning Commission

The Mayor asked those who wished to grant the change to "B" Residence to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

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

The Mayor announced that the change had been granted to "B" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

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MRS. E. J. ALFF

1913-17 East 19th Street
1806-10 Poquito Street

From "A" Residence
To "C" Commercial
NOT Recommended by
Planning Commission
RECOMMENDED "LR"
Local Retail and to
include additional
property

Mrs. Nogack represented Mrs. Alff. The Mayor asked those who wished to grant the the change to "LR" Local Retail and include the additional property to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

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

The Mayor announced that the change had been granted to "LR" Local Retail the additional property included, and the City Attorney was instructed to draw the necessary ordinance to cover.

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T. B. ECHOLS

2900-East 12th Street
1201-03 Alexander Street

From "A" Residence
To "LR" Local Retail
RECOMMENDED by the
Planning Commission

The Mayor asked those who wished to grant the change to "LR" Local Retail to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

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

The Mayor announced that the change had been granted to "LR" Local Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

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SAM McDONALD

706-14 Delmar
7500-04 Interregional
Highway

From "A" Residence 1st
Height and Area
To "C" Commercial 6th
Height and Area
RECOMMENDED by the
Planning Commission

The Mayor asked those who wished to grant the change to "C" Commercial 6th Height and Area to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

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

The Mayor announced that the change had been granted to "C" Commercial 6th Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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ORIGINAL ZONING

Area 5
Area 6

Western Trails, Sec. 2
Tract 1-Park Forest, Sec. 3
Tract 2-Singing Hills
Alamo Heights, Sec. 1

Area 7

RECOMMENDED "A"
Residence 1st Height
and Area for all areas
by the Planning
Commission

The Mayor asked those wished to establish the original zoning as "A" Residence 1st Height and Area District to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

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

The Mayor announced that the original zoning had been established as "A" Residence 1st Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain sanitary sewer easement, 10 feet in width, was reserved and dedicated to the public across a portion of Lot 2, Pemberton Heights Annex, a subdivision out of and a part of the George W. Spear League Survey No. 7, in the City of Austin, Travis County, Texas, according to a map or plat of Pemberton Heights, of record in Book 8 at page 132, Plat Records of Travis County, Texas; and,

WHEREAS, the owner of the hereinafter described premises has heretofore granted the City of Austin a sanitary sewer easement at a more desirable and practical location, and has requested that the hereinafter described sanitary sewer easement located on such premises be released; and,

WHEREAS, the hereinafter described 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 W. T. Williams, Jr., City Manager, be and he is hereby authorized to execute a release of the sanitary sewer easement located on the hereinafter described premises:

A strip of land ten (10) feet in width, a portion of Lot 2, Pemberton Heights Annex, a subdivision out of and a part of the George W. Spear League Survey No. 7, in the City of Austin, Travis County, Texas, as shown on a map or plat recorded in Plat Book 8, page 132, Travis County, Plat Records.

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

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

Councilman Palmer introduced the following ordinance and moved that it be published in accordance with Article 1, Section 6 of the Charter of the City of Austin:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 20.85 ACRES OF LAND OUT OF AND A PART OF THE ISAAC DECKER LEAGUE SURVEY NO. 20, 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 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 first time and Councilman Palmer moved that

the ordinance be 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

Mayor Miller brought up the following ordinance for its second 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 1.38 ACRES OF LAND, 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 second time and Councilman Long moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Palmer, carried by the following vote:

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

Mayor Miller brought up the following ordinance for its second 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 9.57 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE ISAAC DECKER LEAGUE 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 second time and Councilman Long moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Palmer, carried by the following vote:

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

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

THAT Southern Union Gas Company be and the same is hereby permitted to lay and construct its gas mains in and upon the following streets:

(1) A gas main in JEFFERSON STREET, from a point 28.0 feet south of West 39th Street, southerly 45.0 feet, the centerline of which gas main shall be 5.5 feet east of and parallel to the west property line of JEFFERSON STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(2) A gas main in EMILIE LANE, from Jefferson Street easterly 284.0 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said EMILIE LANE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(3) A gas main in GOODRICH AVENUE, from a point 444.0 feet south of Valeria Street southerly 187.0 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said GOODRICH AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(4) A gas main in LINDA LANE, from a point 82.0 feet south of Peggy Street southerly 156.0 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said LINDA LANE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(5) A gas main in ROSEMARY LANE, from a point 63.0 feet north of Primrose Street, northerly 156.0 feet, the centerline of which gas main shall be 5.0 feet west of and parallel to the east property line of said ROSEMARY LANE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(6) A gas main in NORTH STREET, from a point 150.0 feet west of Grover Avenue easterly 52.0 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said NORTH STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(7) A gas main in STAFFORD STREET, from Cedar Avenue easterly 305.0 feet, the centerline of which gas main shall

be 6.5 feet north of and parallel to the south property line of said STAFFORD STREET.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(8) A gas main in GROVER AVENUE, from a point 101.0 feet south of Alegria Road, southerly 32.0 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said GROVER AVENUE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(9) A gas main in SHADY LANE, from a point 274.0 feet north of Gonzales Street northerly 75.0 feet, the centerline of which gas main shall be 16.5 feet east of and parallel to the west property line of said SHADY LANE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(10) A gas main in CLUB TERRACE, from a point 586.0 feet west of Montopolis Drive westerly 57.0 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said CLUB TERRACE.

(11) A gas main in WESTMINSTER DRIVE, from Manor Road to Waterbrook Drive, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said WESTMINSTER DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(12) A gas main in CLOVERDALE LANE, from Westminster Drive westerly 468.0 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said CLOVERDALE LANE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(13) A gas main in RAVENSDALE LANE, from Westminster Drive westerly 483 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said RAVENSDALE LANE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(14) A gas main in BROOKDALE LANE, from Westminster Drive westerly 528.0 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said BROOKDALE LANE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(15) A gas main in ROBINSDALE LANE, from Westminster Drive westerly 942 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said ROBINSDALE LANE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(16) A gas main in PEACEDALE LANE, from Westminster Drive westerly 695.0 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said PEACEDALE LANE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(17) A gas main in MIDDLE LANE, from Peacedale Lane northerly 343.0 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said MIDDLE LANE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(18) A gas main in BROOKSIDE DRIVE, from a point 100.0 feet north of Glencrest Drive, northerly 328.0 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said BROOKSIDE DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

(19) A gas main in ASHBERRY DRIVE, from Brookside Drive easterly 1,111 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said ASHBERRY DRIVE.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

THE Southern Union Gas Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Southern Union Gas Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. That Southern Union Gas Company is further put upon notice that they will be required to bear the expense of repairs or replacement

of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

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

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Tom Attal is the Contractor for the erection of an awning of a building located at 403-405 East Sixth Street and desires a portion of the sidewalk and street space abutting the east 32 feet of Lot 1, Block 59, of the Original City of Austin, Travis County, Texas, during the erection of an awning 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 Tom Attal, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northwest corner of the above described property; thence in a northerly direction and at right angles to the center line of East Sixth Street to a point 5 feet south of the south curb line; thence in an easterly direction and parallel with the center line of East Sixth Street approximately 32 feet to a point; thence in a southerly direction and at right angles to the center line of East Sixth Street to the northeast corner of the above described property.

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

(1) That the Contractor shall construct 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. The Contractor will also be permitted to use two (2) parking meter spaces immediately in front of the entrance in the barricade for the delivery or removal of materials during construction work.

(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 systems 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 November 15, 1958.

(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 One Thousand Dollars (\$1,000) 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 White, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Rex T. Kitchens Construction Company is the Contractor for the alteration of a building located at 1114 East Eighth Street and desires a portion of the sidewalk and street space abutting on Lots 9-10-11-12, Block 97, of the Original City of Austin, Travis County, Texas, during the alteration 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 Rex T. Kitchens Construction Company, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at a point 10 feet west of the southeast corner of the above described property; thence in a southerly direction and at right angles to the center line of East Eighth Street to a point 12 feet south of the north curb line; thence in a westerly direction and parallel with the centerline of East Eighth Street approximately 40 feet to a point; thence in a northerly direction and at right angles to the center line of East Eighth Street to the south line of the above described property.

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

(1) That the Contractor shall construct 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 the 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 systems 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 February 1, 1959.

(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 (\$5,000) 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 White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

The City Manager submitted the following:

"November 10, 1958

"W. T. Williams, Jr.
City Manager
Austin, Texas

"Dear Mr. Williams;

"Bids were received until 2:00 P.M. Monday, November 10, 1958 at the office of the Director of Water and Sewer Department for the Johnson Creek Sanitary Sewer Mains, then publicly opened and read in the Second Floor Conference Room, Municipal Bldg., Austin, Texas.

"The following is a tabulation of bids received:

<u>"FIRM</u>	<u>AMOUNT</u>	<u>WORKING DAYS</u>
Bland Construction Co.	\$152,374.50	300
Austin Engineering Co.	\$242,770.33	280
Karl B. Wagner, Engineering Construction Inc.	\$258,631.05	400

"It is recommended that the contract be awarded to the Bland Construction Co. on their low bid of \$152,374.50, with 300 working days.

"Yours truly,
S. A. Garza, Superintendent
Sanitary Sewer Division
Albert R. Davis, Director
Water and Sewer Department
W. T. Williams, Jr.
City Manager"

Approved:

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on November 10, 1958, for the installation of Johnson Creek Sanitary sewer mains; and,

WHEREAS, the bid of Bland Construction Company in the sum of \$158,092.50 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director 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 Bland Construction Company in the sum of \$158,092.50 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 Bland Construction Company.

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

Councilman Long moved that S. W. REDD, JR. be granted a building permit at 2826 South First Street (270' north of north right-of-way line of Ben White Boulevard). The motion, seconded by Councilman Palmer, carried by the following vote:

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

The Mayor read the following letter from The Junior League of Austin:

"November 9, 1958

"Dear Mayor Miller and members of the City Council,

"I am writing in behalf of the Board of the Junior League of Austin to recommend that the rehearsal room now being used by the Austin Symphony Orchestra be made available for use by the Recreation Department on completion of the Auditorium.

"This room is the upstairs of the Blanco Fire Station and lends itself beautifully to numerous activities of the Recreation Department. One of these activities is the Children's Theatre productions that the Recreation Department and the Junior League co-sponsor.

"The Children's Theatre is a live production that troops to the elementary schools. Last year the play was performed 67 times for approximately 22,500 children in Austin.

"This room would make possible a desperately needed place to rehearse and storage for props and sets.

"Thank you for your kind consideration of this matter.

"Sincerely,
(Sgd) Elora Watt Smith
Mrs. Elora Watt Smith
President"

Councilman Long suggested that it might be a suitable meeting place for the Senior Citizens. The Assistant City Manager was asked to check with the Senior Citizens on this matter.

The Council granted the Humble Oil & Refining Company a sixty-day extension of an option to purchase real estate (Lot 1, Blk. 1, Outlot 14, Div. D, Fruth's Addition.)

The Mayor submitted an insurance matter whereas the largest insurance company had not carried any of the city's insurance. The Matter was referred to the City Manager to contact the Insurance Exchange in this matter.

The City Manager submitted a letter of thanks from MRS. F. H. DAVOL for services rendered by the City.

The City Manager submitted a request from Mr. Dale Winston, Civitan Club, who inquired about the possibility of painting house numbers on curbs and charging the property owners a fee. No action was taken on the request.

The City Manager submitted the following:

"November 13, 1958

"To the City Council
City of Austin
Austin, Texas

"Re: Proposed ordinance to provide
for "Light Industrial" District

"Dear Mayor Miller and Members of the Council:

"You will recall that in September, 1957, I appeared before the City Council and requested a study to be made with a view to the final enactment by the City Council, if acceptable, of a zoning amendment to provide for a Light Industrial District in which would be located industries having no gases or liquid wastes and having a minimum of vibration, noise, and dust in the course of their operation.

"This study has been made by the City Planning Commission and apparently will be forwarded to the City Council with draft of a proposed ordinance within the next two or three weeks. At a special meeting of the Planning Commission last Monday, November 10, the members of the Commission present informally approved the proposed draft which will be considered at a full meeting of the Commission November 25.

"Our firm represents two local firms who are affected by the proposed ordinance and whose operations will be benefitted if the ordinance is adopted by the City Council after the Council has had an opportunity to study the report of the Planning Commission.

"This is to request the City Council to set the ordinance down for public hearing December 4, 1958 (or, in the alternative, on December 11), so that statutory advertising may be initiated within the next few days. It is my understanding that the final draft of the ordinance to be recommended by the City Planning Commission will be sent to the City Council immediately after the November 25 meeting of the Commission. This will give the City Council at least a week in which to examine the proposal which actually consists of very simple and elementary changes. Preliminary drafts of the proposal are available now and it is not anticipated that any fundamental or essential changes will be made in the final draft.

"Yours very truly,
(Sgd) Trueman O'Quinn
Trueman O'Quinn"

Discussion was held on right-of-way for a street leading to the American Legion Home property, and of right-of-way for the river road.

Councilman Pearson brought up again the request of the Boy Scouts to use city-owned property on 26th Street for a parking lot for the Thanksgiving Game. They were going to try to use the adjoining private property in conjunction with their parking. The Mayor suggested that Councilman Pearson go with Councilman White and the Director of Public Works; and if the area is safe to park cars, with no danger of bogging down in the mud, or no danger to pedestrians, that it would be agreeable. Councilman Palmer suggested that they look into providing proper insurance.

The City Manager presented the following letter from MR. TRUEMAN O'QUINN:

"November 13, 1958

"To the City Council
City of Austin
P. O. Box 1160
Austin, Texas

"Dear Mayor Miller and Members of the City Council:

"Sometime ago, Mrs. Pearl Eschberger, 605 Park Place, asked me to take up with the City Council a proposition you discussed with her, I believe, sometime ago in regard to transfer of a portion of old Duval Street, which adjoins Mrs. Eschberger's home property.

"Before this matter could be presented to you, it was necessary for the Department of Public Works to make a survey on the ground, and this work has now been completed and a sketch prepared based upon the field work. The sketch shows a small tract of land approximately 20 feet wide at the southern end and about 70 feet wide at the northern end, and running along the western boundary of Mrs. Eschberger's property. The plot lies between Mrs. Eschberger's home and San Jacinto Boulevard at its intersection with Park Place.

"It will be appreciated if the Council will indicate a time convenient within the next two or three weeks when I may discuss this matter with you, with a view to working out some means by which Mrs. Eschberger can acquire this abandoned portion of Duval Street.

"Yours very truly,
(Sgd) Trueman O'Quinn
Trueman O'Quinn"

The Council had before it suggested rates for the Coliseum, for Committee and Rehearsal Rooms, and other rates. Councilman Pearson moved that the following rates as submitted be adopted:

RATES FOR COLISEUM *

GROUP								
I	All day	\$300.00	Night	\$200.00	Afternoon	\$160.00	Morning	\$50.00
II	"	200.00	"	100.00	"	75.00	"	50.00
III	"	100.00	"	75.00	"	50.00	"	25.00

RATES FOR COMMITTEE AND REHEARSAL ROOMS

I	All day	\$50.00	Night	\$40.00	Afternoon	\$30.00	Morning	\$20.00
II	"	50.00	"	40.00	"	30.00	"	20.00
III	"	40.00	"	30.00	"	20.00	"	20.00

For meals and cocktail parties

Table rental \$1.00 per table

Chair rental .10 per chair

*Plus one-third applicable rate for move in or out

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

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

The Council discussed concession privileges at the Airport, and the furnishing of the equipment. The City Manager stated he had asked the Airport Manager to check into this in more detail.

MR. GARFIELD appeared before the Council regarding getting a better lease for city property on the river and putting up a better building. The Mayor stated the City had plans for this area in the future, and it would not be advisable at this time to change the lease.

Councilman Pearson submitted the request of MR. RUPERT GREGORY to be heard on appealing the decision of the Equalization Board, on the tax valuation set for his property. This hearing was set for December 4th.

There being no further business, the Council adjourned at 1:45 P.M., subject to the call of the Mayor.

APPROVED



Mayor

ATTEST:



City Clerk