

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 4, 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. DON KEELING, Good Shepherd Episcopal Church, 2206 Exposition Boulevard.

Councilman White moved that the Minutes of the Meeting of August 28, 1958, be approved. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller  
Noes: None  
Present but not voting: Councilman Long (as she was absent at the previous meeting)

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) THE NORTH 100 FEET OF LOTS 10 AND 11, BLOCK 8, SILLIMAN SUBDIVISION, FROM "C" COMMERCIAL DISTRICT TO "C-1" COMMERCIAL DISTRICT; (2) LOT 9 AND THE NORTH 90 FEET OF LOT 8, BLOCK V, RIDGETOP FOURTH ADDITION, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL

DISTRICT; AND (3) LOT 7, BLOCK 1, UNIVERSITY PARK ADDITION, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; ALL OF SAID PROPERTY BEING LOCATED IN AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE 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 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 White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, after an engineering and traffic investigation, the City Council has found that the circumstances are such that the maximum reasonable and safe speed for the operation of vehicles is forty-five (45) miles per hour at the following location:

<u>ON STREET</u>	<u>FROM</u>	<u>TO</u>
West First Street	Lamar Boulevard	Lake Austin Boulevard

Now, Therefore,

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

That the City Clerk be authorized and instructed to record this finding in Section 33.40 of the Traffic Register.

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

MRS. MINNIE SAPP, Manager A-Bar Hotel, appeared requesting reversing the one-way traffic on West 27th Street, and having it one-way from East to West. She filed a petition signed by approximately 12 citizens joining in this request. After discussing some suggestions, the Council believed it could work something out for both this group and for those going to Setons, and decided to go look at the situation on the ground.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Mid Valley Utility Constructors are the Contractors for the alteration of a building located at 123-127 East Seventh Street and desires a portion of the sidewalk and street space abutting the east part of Lots 7 and 8, Block 69, 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 Mid Valley Utility Constructors, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at a point in the north line of the above described property approximately 35 feet west of the west line of Brazos Street; thence in a northerly direction and at right angles to the center line of East Seventh Street to a point 12 feet north of the south curb line; thence in a westerly direction and parallel with the center line of East Seventh Street approximately 40 feet to a point; thence in a southerly direction and at right angles to the center line of East Seventh Street to the north line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said Mid Valley Utility Constructors, 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 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 October 31, 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 public utilities, 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 Contractors expense.

(13) That the Contractor shall furnish the City of Austin a surety bond in the sum of Two Thousand Dollars (\$2,000) 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 Pearson, carried by the following vote:

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

Mayor Miller introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING 9400 SQUARE FEET OF LAND, SAME BEING OUT OF AND A PART OF THAT CERTAIN STREET KNOWN AS WEST 39-1/2 STREET; RETAINING AN EASEMENT FOR PUBLIC UTILITIES; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Palmer 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 Palmer 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 Palmer 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 Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by Minute Order 44488, the Texas Highway Commission on August 27, 1958, ordered that its previous Minute No. 43066 be modified to provide that of the total cost of the grade separation project on U. S. Highway 290 at the Missouri Pacific Railroad Crossing on Lamar Boulevard the State Highway Department would bear 40% of the cost up to a total project cost of \$550,000.00 and 50% of any cost in excess of \$550,000.00, on condition that the City of Austin would bear 40% of the cost up to a total project cost of \$550,000.00 and 50% of any cost in excess of \$550,000.00 if the Missouri Pacific Railroad Company would bear 20% of the cost up to a total project cost of \$550,000.00; Now, Therefore,

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

That modification contained in Texas Highway Commission Minute Order No. 44488 dated August 27, 1958, be accepted by the City of Austin and that W. T. Williams, Jr., City Manager, be authorized to execute an agreement pursuant thereto on behalf of the City of Austin with the State of Texas and the Missouri Pacific Railroad Company.

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

The City Manager submitted the following:

"September 3, 1958

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

"Dear Mr. Williams:

"Bids were received at the Office of the Director of Water and Sewer Department for Water and Sanitary Sewer Mains in Hardy Drive, from St. Joseph Blvd. to Anderson Lane until 10:00 A.M., Wednesday, September 3, 1958, and then publicly opened and read in the Second Floor Conference Room of the Municipal Building, Austin, Texas.

"The following is a tabulation of bids received:

<u>"Firm"</u>	<u>Amount</u>	<u>Working Days</u>
Dexter Simons Company	\$12,490.50	65
Bland Construction Company	12,685.45	45
Wagner-Wehmeyer, Inc.	14,631.65	80
Austin Engineering Company	16,123.20	50
Marvin Bell	28,886.00	150

"It is recommended that the contract be awarded to the Dexter Simons Company on their low bid of \$12,490.50, with 65 working days.

"Yours truly,  
(Sgd) Victor R. Schmidt, Jr.  
Superintendent Water Distribution  
(Sgd) S. A. Garza, Superintendent  
Sanitary Sewer Division  
(Sgd) Albert R. Davis, Director  
Water and Sewer Department

"Approved By:  
W. T. Williams, Jr.  
City Manager"

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on September 3, 1958, for the installation of water and sanitary sewer mains in Hardy Drive, from St. Joseph Boulevard to Anderson Lane; and,

WHEREAS, the bid of Dexter Simons Company in the sum of \$12,490.50 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 Dexter Simons Company in the sum of \$12,490.50 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 Dexter Simons Company.

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

The City Manager submitted the following:

"September 3, 1958

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

Dear Mr. Williams:

"Bids were received at the office of the Director of Water and Sewer Department until 10:00 A.M., Wednesday, September 3, 1958, for the Enfield Road, Raleigh Ave., Cherry Lane and Rockmoor Ave. Water Main, 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>
Austin Engineering Co.	\$26,562.00	50
Eland Construction Co.	\$29,910.00	75
Wagner - Wehmeyer	\$30,619.00	90
Tam Fairey Co.	\$32,169.00	-
Marvin Bell	\$36,221.10	170

"It is recommended that the contract be awarded to the Austin Engineering Company on their low bid of \$26,562.00, with 50 working days.

"Yours truly,  
(Sgd) Victor R. Schmidt, Jr.  
Superintendent Water Distribution  
(Sgd) Albert R. Davis, Director  
Water and Sewer Department  
APPROVED: W. T. Williams, Jr.  
City Manager"

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on September 3, 1958,

for the installation of a water main in Engfield Road, Raleigh Avenue, Cherry Lane and Rockmoor Avenue; and,

WHEREAS, the bid of Austin Engineering Company in the sum of \$26,562.00 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 Austin Engineering Company in the sum of \$26,562.00 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 Austin Engineering Company.

The motion, seconded by Councilman Pearson, 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:

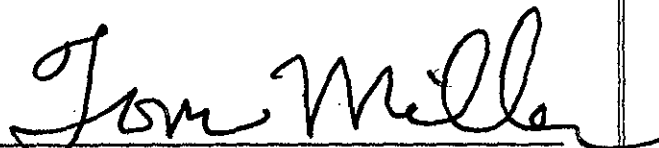
That the time specified in paragraph 10 of that certain letter approved April 1, 1958, to the City of Austin from John G. Pundt offering to supply the City's natural gas requirements for its electric power plants for a period of 23 years, having heretofore been extended from August 1, 1958, to September 1, 1958, is hereby further agreed to be extended to October 1, 1958.

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

The Mayor made inquiry about the status of the paving around Smith Brothers between 6th and 7th Streets. The Director of Public Works made a report on this stating it was included in a program of 135 or 140 blocks to be submitted shortly; and that this was an 80' right-of-way, and the roadway would be 60 feet in width. The Mayor asked that this be speeded up so it could get started.

There being no further business, the Council adjourned at 11:00 A.M., subject to the call of the Mayor.

APPROVED

  
Mayor

ATTEST:

  
City Clerk