

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 27, 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. KENNETH T. McGEHEE, First Presbyterian Church, 212 West 7th Street.

Councilman White moved that the Minutes of the meeting of February 20, 1958, be approved. The motion, seconded by Councilman Long, carried by the following vote:

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

Sergeant Hill submitted a petition with over 500 names, requesting the Council to take immediate action regarding City Bus service in Windsor Park, Delwood 4, Gaston Park and Windsor Park II. Sgt. Hill stated there were approximately 2300 homes and the bus service did not reach into this area. The Mayor reviewed the past actions of the Council in requesting the Company to supply the service on a trial basis, and in permitting the discontinuance of the busses as the Company was taking a loss in spite of being subsidized by the people in the area. The Mayor stated though, in view of the continued development, the Council would take this up with the Company again, and see if they will put the busses back on schedule.

MR. JOE CROW and MR. JOE TUCKER, JR., appeared before the Council announcing the opening of LAMAR PLAZA Shopping Center, and inviting the Mayor and Council to participate in the opening activities, on MARCH 12, 1958, 4:00 P.M., 1100 Block South Lamar Boulevard.

The Mayor brought up the following amended zoning applications for public hearing:

GEORGE A. JOHNS	1131-1147 Kirk Avenue 1124-1126 Airport Blvd.	From "C" Commercial 6th Height and Area To "C-1" Commercial Original request for "E" Industrial NOT Recommended by the Planning Commission
-----------------	--	--

Mr. Johns wanted to construct a cafe where he could serve seafood, steak and chicken dinners, with beer. REV. EVERETT MARTIN, Govalle Baptist Church; MISS CAROLINE GOODWIN, and MR. W. P. GOODWIN; and MRS. JOHNNIE WALTER HARKEY expressed opposition. The Council deferred action until the following week in order that the Council could make a personal inspection of the area.

- - - - -

MRS. ALICE ATKINSON	Area 15 - East Powell Lane	ORIGINAL ZONING Requests "C-1" Commercial Planning Commission RECOMMENDED "A" Residence for Original Zoning
---------------------	-------------------------------	---

Mr. and Mrs. C. O. Davis appeared in opposition. Mrs. Atkinson was not present. The Council deferred action until the following week in order that the Council could make a personal inspection of the area.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 9 OF THE AUSTIN
CITY CODE OF 1954 BY AMENDING SECTION 9.1 THERE-
OF PERTAINING TO DEFINITIONS; AND DECLARING AN
EMERGENCY.

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, 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 Palmer, 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 Palmer,

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.

MR. MARCUS LOFTIS, member of the Electrical Board, stated the Board had been working on a general revision of the Electrical Ordinance, and had submitted a draft to the Legal Department. The City Attorney stated some meetings would be scheduled and the technicalities worked out as soon as possible. The Mayor announced that when the ordinance was ready a public meeting would be called and the ordinance discussed.

The Mayor announced that a request had been made to organize city employees into a public employees union, and announced the policy of the Council that there would be no reprisals or sanctions against anybody whether they belonged to a Union or not.

MR. W. A. BURNS appeared before the Council regarding a refund contract in a subdivision which he is about to complete. The City Manager stated the total amount of the contract was \$7,808.71, and that Mr. Burns had offered to sell the contract back to the city for its face value-- and that no contract would be made, but a cash settlement would be made instead. The Council informally agreed not to follow this procedure, and suggested that Mr. Burns sell it as he thought he could, and the City would honor the assignment.

Mayor Miller introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING BRENTWOOD STREET, AVENUE C, KOENIG LANE, EAST MILTON STREET AND WEST OLTORF STREET, 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 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, 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 Palmer, 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 Palmer, 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 RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF GROVER AVENUE AND SUNDRY OTHER STREETS AND ALLEYS 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 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, 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 Palmer, 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 Palmer, 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 DECLARING THE NECESSITY FOR AND ORDERING THE PAVING AND IMPROVEMENT OF PORTIONS OF CERTAIN STREETS IN THE CITY OF AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR SUCH WORK, AUTHORIZING THE CITY MANAGER TO ADVERTISE FOR BIDS, DIRECTING THE PREPARATION OF ESTIMATES,

INVOKING THE ALTERNATE PROCEDURE PROVIDED BY ARTICLE I, SECTION 5 OF THE CHARTER OF THE CITY OF AUSTIN AND CHAPTER 106 OF THE ACTS OF THE FIRST CALLED SESSION OF THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT THE COST OF SUCH IMPROVEMENTS SHALL BE PAID BY THE CITY OF AUSTIN, PROVIDING A METHOD OF REIMBURSING THE CITY OF AUSTIN FOR A PORTION OF SUCH COSTS BY ASSESSMENT OF A PORTION OF SUCH COSTS AGAINST THE PROPERTY ABUTTING SUCH STREETS OR PORTIONS THEREOF TO BE IMPROVED, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS, STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY.

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, 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 Palmer, 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 Palmer, 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, there has been submitted to the Building Inspector, the application of Texas State Bank for a building permit together with a site plan dated February 21, 1958, meeting the requirements of Section 10-B, 3 of the Zoning Ordinance of the City, for certain building establishment at 1904 Guadalupe Street and 1903 San Antonio Street more particularly described in said application; and,

WHEREAS, it has been found and determined by the City Council of the City of Austin that, based upon the use of the premises for the purpose of

enlarging bank building and adding drive up window facilities, the maximum number of parking spaces which will probably be used by employees and customers of such establishment, taking into account the loading facilities on the site, the public parking areas and street space available for parking in the vicinity, public safety, and free circulation of traffic both on and off the site, is eighteen parking spaces; Now, Therefore,

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

That eighteen (18) spaces is an adequate number of parking spaces for the establishment shown on the site plan of the Texas State Bank dated February 21, 1958, for use of the premises for the purpose of enlarging present bank building.

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, there has been submitted to the Building Inspector, the application of Walter S. Benson, Jr. for a building permit together with a site plan dated February 21, 1958, meeting the requirements of Section 10-B, 3 of the Zoning Ordinance of the City, for certain building establishment at 2502 Nueces Street, more particularly described in said application; and,

WHEREAS, it has been found and determined by the City Council of the City of Austin that, based upon the use of the premises for the purpose of erecting a Student Hotel, the maximum number of parking spaces which will probably be used by employees and customers of such establishment, taking into account the loading facilities on the site, the public parking areas and street space available for parking in the vicinity, public safety, and free circulation of traffic both on and off the site, is thirteen parking spaces; Now, Therefore,

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

That thirteen (13) spaces is an adequate number of parking spaces for the establishment shown on the site plan of Walter S. Benson, Jr., dated February 21, 1958, for use of the premises for the purpose of erecting a Student Hotel.

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 AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH BUFORD STEWART DEVELOPMENT COMPANY; PROVIDING FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT; 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.

The Council discussed awarding the contract to ED H. PAGE. Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on February 25, 1958, for the construction of a storm sewer in North Loop Boulevard from Burnet Road to Aurora Drive and in Woodrow Avenue from North Loop Boulevard northerly 260 feet - Contract No. 58-D-7; and,

WHEREAS, the bid of Ed H. Page in the sum of \$28,808.90 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Public Works 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 Ed H. Page in the sum of \$28,808.90 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 Ed H. Page.

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

The Mayor made a public statement about the dead-line for paying taxes and asked that the Press, Radio and TV give this publicity.

The City Manager stated that the Ebasco Service Company would have its representatives here to discuss their review and report. The Council set 2:00 Monday afternoon, March 3, 1958, as a time to meet with the Ebasco Company officials.

The City Attorney reviewed the request for arbitration on Radam Lane Sewer Contract by Wyman Construction Company, and on the Tannehill Branch Sewer Contract by Hardin Construction Company.

The Council received a Progress Report from the Recreation Director on various playground areas.

Councilman Pearson brought up the question of extending the gravel road in the Northeast Park to the baseball diamond. The City Manager stated that the communication he had from the Optimist Club was that they were going to develop the baseball park in 1959, and that it was estimated it would cost several thousand more dollars to serve them this year; and since they had asked for it for 1959, they had been told it would be all right for them to use the area, but that the improvements could not be made this year. To extend the roadway would cost \$1500; and counting in the water line, the cost would be some \$4,000. Councilman Pearson asked that a study be made to see if it could be done for less than \$1500.

The City Attorney brought up the matter of right-of-way for the Northeast Loop as submitted to him by MR. WOODROW PATTERSON, Attorney. He read a proposed agreement written by Mr. Patterson concerning the giving of the right-of-way and the paving. The Mayor stated he wanted to get the group in and get everything understood; that the storm sewers would not be included in the agreement. It was decided to have the group meet with the Council next week.

The Council received notice from the City Manager that the following zoning applications had been referred to the Plan Commission and set for public hearing before the City Council for April 3, 1958:

HYDE PARK CHRISTIAN CHURCH	4300-4306 Speedway 100-02 West 43rd St.	From "B" Residence To "C" Commercial
MRS. MARY GILLILAND	2115-19 South Lamar Boulevard	From "A" Residence To "C" Commercial
LORAIN FOSVALL	3504-06 Griffith Street	From "A" Residence To "BB" Residence
FRANK C. HERNANDEZ	1510-12 Holly Street 60 Comal Street	From "C" Commercial To "C-1" Commercial
JERRY LEMOND	106-110 East Milton Street 1608-10 Nickerson Street	From "A" Residence To "BB" Residence

O. O. NORWOOD, ET AL	1012-30 Riverside Drive 1013-19 & 1014-20 Edgecliff Terrace 1000-34 Interregional Highway	From "A" Residence To "O" Office
HERMINIA DAVILA	1500-04 Neches 404-10 East 15th Street	From "B" Residence To "O" Office
TEXAS BUTANE DEALERS ASS'N. & C.J. PRUIT	1700-02 Evergreen Avenue Rear of 1617-1701 South Lamar Boulevard	From "A" Residence To "C" Commercial
WILLIAM B. ACKER	1210-12 West 13th Street	From "B" Residence 1st Height and Area To "B" Residence 2nd Height and Area
ALLAN H. LEISTICO	1015-17 East 38 $\frac{1}{2}$ Street 3805-07 Harmon	From "A" Residence To "C" Commercial
MARY HOUSTON	2400-2402 Lake Austin Boulevard 500-504 Deep Eddy Ave.	From "A" Residence To "LR" Local Retail

The Council resumed its hearing of the tax appeals of the American Empire Life Insurance Company and Universal Standard Insurance Company continued from the 23rd day of February, 1958, and although the attorney for said Companies had been duly notified of the time and place of this hearing, he failed to appear. The Council duly considered the admissions of said Companies that the values fixed by the Board of Equalization were correct, and in view of the failure of said Companies to present any further evidence, Councilman Pearson moved that the value of said properties be fixed at the same amount as those fixed by the Board of Equalization, to wit:

AMERICAN EMPIRE LIFE INSURANCE CO.
2612 Guadalupe Street, Austin, Texas

Taxable Assets	\$463,070
Furniture & Fixtures, cars	11,390

UNIVERSAL STANDARD INSURANCE CO.
2612 Guadalupe Street

Taxable Assets	\$ 26,230
----------------	-----------

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

Councilman Pearson moved that the value of the properties of International Life Insurance Company be fixed at the same amount as those fixed by the Board

of Equalization, to wit:

INTERNATIONAL LIFE INSURANCE CO.
International Life Building

Furniture & Fixtures

\$21,600

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

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

Noes: None

The Council resumed its hearing of the tax appeal of MR. LOUIS JOSEPH on his property at 1019 East 50th Street. Councilman Palmer moved that the Council sustain the Board of Equalization in its recommendation as follows:

LOUIS JOSEPH

Land	\$5,860
Improvements	2,310

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

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

Noes: None

There being no further business, the Council adjourned at 12:30 P.M., subject to the call of the Mayor.

APPROVED



Mayor

ATTEST:



City Clerk