

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 19, 1959
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; Robert A. Miles, Assistant Chief of Police.

Invocation was delivered by MR. ARLYN HAUSMANN, Vicar - First English Lutheran Church, 3001 Whitis.

Councilman White moved that the Minutes of the Regular Meeting of February 12, 1959, and of the Special Meetings of October 27, 1958, October 29, 1958, October 31, 1958, December 15, 1958, January 19, 1959, January 26, 1959 and February 2, 1959, be approved. The motion, seconded by Councilman Pearson, carried by the following vote:

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

MR. O. H. MANSFIELD, 400 Pecan Drive, and MR. PAUL HORTON and MR. JIMMIE JONES, appeared before the Council and filed a petition with approximately 37 signatures, asking for sewers, street lights, fire hydrants, street services, police protection, drainage, and bus service in Dean Terrace. A report was made on what had been done in the area since it had been annexed. It was reported that a new sewer study was under way to provide sewers for the area. Mr. Mansfield asked that appump truck be made available to the area upon request, and this request was taken under study. The Mayor asked the City Manager to refer the matter of street lights to the Director of Electric Utilities and try to get some lights installed in the area; and asked that the request for street maintenance be referred to the Director of Public Works. The request for better police service was referred to the Police Department. The Council stated it would make a special inspection of the area and try to remedy what it could at this time.

MR. DAVID BARROW appeared regarding a pending zoning application in Area 6 on the property of L. E. McEARTY. This property is a .37 acre tract on Balcones Trail, and was included in the original zoning hearing on Area 6, a 46.44 acre tract out of the T. J. Chambers Grant and the James P. Davis Survey. Councilman Pearson moved that the original zoning be established as "GR" General Retail on this tract. 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 zoning had been established at "GR" General Retail and the City Attorney was instructed to draw the necessary ordinance.

MR. DAVID BARROW, represented Mr. Wm. McCarty, in his request that action be taken on his four acre tract (No. 7 - Area 6) and that the original zoning be established as "C" Commercial. The Council wanted to make another inspection of the area.

Mayor Miller introduced the following ordinance:

AN ORDINANCE ORDERING A GENERAL ELECTION TO BE HELD APRIL 4, 1959, FOR THE PURPOSE OF ELECTING FIVE COUNCILMEN OF THE CITY OF AUSTIN FOR A TERM OF TWO YEARS BEGINNING MAY 15, 1959; DESIGNATING THE POLLING PLACES IN THE VARIOUS PRECINCTS; AND PROVIDING THE PROCLAMATION OF SAID ELECTION; 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.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on February 16, 1959, for the purchase of five trucks; and,

WHEREAS, the bid of C. B. Smith Motors in the sum of \$11,000.00 for four 2-ton trucks complete with 3 cu. yd. beds, and the bid of Armstrong-Johnson in the sum of \$2,850.00 for one 2-1/2 ton truck-cab-chassis and trade-in of 1943 GMC cab and chassis, were the lowest and best bids therefor, and the acceptance of such bids has been recommended by the Purchasing Agent 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 bids of C. B. Smith Motors in the sum of \$11,000.00 and of Armstrong-Johnson in the sum of \$2,850.00 and trade-in be and the same are hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute contracts on behalf of the City of Austin with the aforesaid companies.

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

Mayor Miller brought up the following zoning applications deferred from last week:

JOHN BEASLEY & FRED D. MANN	1152-54 (1104) Navasota Street	From "C" Commercial To "C-2" Commercial NOT Recommended by the Planning Commission
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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.

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GRACE CARUTHERS	3524-36 East 7th Street	From "D" Industrial 5th To "C-1" Commercial 5th Height & Area RECOMMENDED by the Planning Commission
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The Mayor asked those who wished to grant the change to "C-1" Commercial 5th Height and Area to vote "aye"; those opposed to vote "no". Roll call showed

the following vote:

Ayes: Councilman Palmer, Pearson, White, Mayor Miller

Noes: None

Present but not voting: Councilman Long, disqualifying herself as she had property in the vicinity

The Mayor announced that the change had been granted to "C-1" Commercial 5th Height and Area and the City Attorney was instructed to draw the necessary ordinance

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PAUL C. WALTER

405 Pickford
6631 Airport Blvd.

From "A" Residence
To "GR" General Retail
No Recommendation from
the Planning Commission

The Council at the request of MR. PAUL C. WALTER reset the zoning application for public hearing at 11:00 A.M. March 5, 1959.

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 TILLERY STREET, from a point 13 feet north of the north line of Gonzales Street, northerly 331 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east line of said TILLERY STREET.

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

(2) A gas main in GARWOOD STREET, from a point 6.50 feet west of the east line of Tillery Street, westerly 101 feet the centerline of which gas main shall be 6.50 feet south of and parallel to the north line of said GARWOOD STREET.

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

(3) A gas main in WEST 10TH STREET ALLEY, from a point 28 feet east of the west line of Lavaca Street, westerly 162 feet, the centerline of which gas main shall be 5 feet south of and parallel to the north line of said WEST 10TH STREET ALLEY.

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

(4) A gas main in LANSING DRIVE, from a point 82 feet south of the south line of Philco Drive, southerly 595 feet, the centerline of which gas main shall be 6.50 feet west of and parallel to the east line of said LANSING DRIVE.

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

(5) A gas main in FORESTHILL DRIVE, from a point 65 feet south of the south line of Philco Drive, southerly 585 feet, the centerline of which gas main shall be 6.50 feet west of and parallel to the east line of said FORESTHILL DRIVE.

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

(6) A gas main in ENCHANTED LANE, from a point 6.50 feet west of the east line of Lansing Drive, easterly 1268 feet, the centerline of which gas main shall be 6.50 feet south of and parallel to the north line of said ENCHANTED LANE.

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

(7) A gas main in SKEVANDALE DRIVE, from a point 6.50 feet west of the east line of Lansing Drive, easterly 1,244 feet, the centerline of which gas main shall be 6.50 feet south of and parallel to the north line of said SYLVANDALE DRIVE.

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

(8) A gas main in PHILCO DRIVE, from a point 25.00 feet west of the west line of South First Street, westerly 1,119 feet, the centerline of which gas main shall be 6.50 feet south of and parallel to the north line of said PHILCO DRIVE.

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

(9) A gas main in ORLAND BOULEVARD, from a point 6.50 feet west of the east line of South First Street, westerly 1,574 feet, the centerline of which gas main shall be 6.50 feet south of and parallel to the north line of said ORLAND BOULEVARD.

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

(10) A gas main in SOUTH 2ND STREET, from a point 6.50 feet south of the north line of Orland Boulevard, westerly 1,301 feet, the centerline of which gas main shall be 6.50 feet west of and parallel to the east line of said SOUTH 2ND STREET.

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

(11) A gas main in SOUTH 3RD STREET, from a point 6.50 feet south of the north line of Philco Drive, northerly 280 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east line of said SOUTH 3RD STREET.

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

(12) A gas main in RAINTREE BOULEVARD, from a point 6.50 feet south of the north line of Philco Drive southerly, 893 feet the center line of which gas main shall be 6.50 feet west of and parallel to the east line of said RAINTREE BOULEVARD.

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

(13) A gas main in ENGLEWOOD DRIVE, from a point 6.50 feet south of the north line of Philco Drive, southerly 799 feet, the centerline of which gas main shall be 6.50 feet west of and parallel to the east line of said ENGLEWOOD DRIVE.

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

(14) A gas main in ENGLEWOOD DRIVE, from a point 6.50 feet south of the north line of Orland Boulevard, southerly 160 feet the centerline of which gas main shall be 6.50 feet west of and parallel to the east line of said ENGLEWOOD DRIVE.

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

(15) A gas main in LENNOX DRIVE, from a point 6.50 feet south of the north line of Orland Boulevard, northerly 505 feet, the centerline of which gas main shall be 6.50 feet west of and parallel to the east line of said LENNOX DRIVE.

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

(16) A gas main in VINSON DRIVE, from a point 6.50 feet south of the north line of Lennox Drive, northerly 434 feet,

the centerline of which gas main shall be 6.50 feet west of and parallel to the east line of said VINSON DRIVE.

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

(17) A gas main in LAZY LANE, from a point 45 feet north of the north line of Beckett Street, northerly 395 feet, the centerline of which gas main shall be 6.50 feet west of and parallel to the east line of said LAZY LANE.

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

(18) A gas main in KAMAR DRIVE, from a point 6.50 feet west of the east line of Lazy Lane, westerly 682 feet, the centerline of which gas main shall be 6.50 feet south of and parallel to the north line of said KAMAR DRIVE.

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

(19) A gas main in GREENWOOD AVENUE, from a point 9 feet north of the south line of East 12th Street, northerly 1,356 feet, the centerline of which gas main shall be 6.50 feet west of and parallel to the east line of said GREENWOOD AVENUE.

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

(20) A gas main in ROUNDUP TRAIL, from a point 75 feet north of the north line of Cactus Lane, northerly 1,390 feet, the centerline of which gas main shall be 6.50 feet west of and parallel to the east line of said ROUNDUP TRAIL.

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

(21) A gas main in FRONTIER TRAIL from a point in the north line of Pack Saddle Pass, northerly 794 feet, the centerline of which gas main shall be 6.50 feet west of and parallel to the east line of said FRONTIER TRAIL.

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

(22) A gas main in PACK SADDLE PASS, from a point 6.50 feet west of the east line of Roundup Trail, westerly 107 feet, the centerline of which gas main shall be 6.50 feet north of and parallel to the south line of said PACK SADDLE PASS.

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

(23) A gas main in RIMROCK PATH, from a point 6.50 feet west of the east line of Frontier Trail, easterly and southerly 370 feet, the centerline of which gas main shall be 6.50 feet south of and parallel to the north line of said RIMROCK PATH.

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

(24) A gas main in REDD STREET, from a point 105 feet east of the east line of Frontier Trail, westerly 579 feet, the centerline of which gas main shall be 6.50 feet south of and parallel to the north line of said REDD STREET.

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. The 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 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, the land hereinafter described was sold to the City of Austin by Tax Deed of J. H. Hutchins by Fred Sterzing, Collector, dated 3 Febry. 1881, and duly recorded in Vol. 51, Page 369 of the Deed Records of Travis County, Texas;

AND, WHEREAS, all taxes for which said sale was made have been fully paid, and the present owner of said premises is MRS. HATTIE L. DOWELL, individually and as the Independent Executrix of the Estate of GEO. S. DOWELL,

Deceased; and objection to the title of such property has been made, and such objection is to be cured hereby: 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 Quitclaim Deed for and on behalf of the City of Austin to the said MRS. HATTIE L. DOWELL, individually and as the Independent Executrix of the Estate of GEO. S. DOWELL, Deceased, and to her successors in title, conveying all of the right, title, interest, claim, and estate of said City of Austin in and to Lots No. One (1) and Two (2), in Block Fourteen (14) of the Original City of Austin, in Travis County, Texas.

The motion, seconded by Councilman Palmer, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

The Mayor brought up the following zoning application deferred from last week:

C. L. REEVES	4108-14 Bellvue Avenue	From "A" Residence 1st
By Sidney Purser	4109-13 Alice Avenue	Height and Area
	1201 West 42nd Street	To "C" Commercial 2nd
		Height and Area
		NOT Recommended by the
		Planning Commission
		RECOMMENDED "GR" General
		Retail 2nd Height & Area

Mr. Purser appeared. He preferred "C" Commercial, as the setback requirements would not be so restrictive, on this triangular property. The Council postponed action until it could make a personal inspection of the area.

Councilman Long inquired about the property at 26th Street by the Fraternity House. It was stated that this had been settled; that the Fraternity purchased it through their representative, Mr. Millican at \$2,080.

Councilman Pearson brought up the zoning application of E. M. CHOTE, JR., 2811-17 San Pedro, 2810-16 Salado, on which the Council granted a "B" Residence classification pending certain details to be worked out on right-of-way. The Mayor asked that this matter be brought up next week.

The City Manager gave a review of the proposed contracts with the base operators at the Airport who wanted to build their own T-hangars on leased land, and laid out the amendments that the operators would like to have made to the contract; in that instead of the 15 years term at four cents a square foot rental for the first five years with rental adjusted each five years, and two five year options to renew the lease at newly agreed upon rentals, that the lease be made for a 25 year term, making an adjustment every five years. The options would be eliminated, and the operators would pay adjusted rental. The

Council finally agreed on the 25-year term. It was decided that there should be some control on the rents charged for the hangars, and that during the five-year intervals during which the city had negotiated for rental, that the operators keep their charges firm. The City Manager was instructed to work out the contract along this line, and bring it in next week.

Discussion was held on the lease of property on the river and the request of the lessee to enlarge his baithouse and obtain a longer lease. It was brought out that this type of lease was a temporary arrangement, and that the property would be needed by the city for other uses. The Mayor asked that this lessee be asked to write down exactly what he would do. He asked also that the lease for the Golf Course be looked into, and it should be reviewed.

The Mayor submitted the following letter:

"Texas Heritage Foundation, Inc.

"February 17, 1959

"Dear Mayor:

"I have delayed writing for I thought there would be something in the press in re Texas Statehood Week and Day as proclaimed in a memorandum by Governor Daniel.

"The week of February 15-22 was so declared by him as the 113th Texas Statehood Week and February 19th as the 113th Texas Statehood Day.

"It was on the latter date mentioned that the most unique and unparalleled event in the history of free nations occurred. Without clash of swords, boom of cannon, smoke on battlefields, or anguish cries from veterans wounded in war times bitter strife, the Lone Star Republic and the United States of America, voluntarily and without force other than that imposed by their own free will, united under one flag, that of the Stars and Stripes, and the lowering of the Lone Star Flag by Anson Jones from its place of honor above the capitol at Eighth and Brazos marked the final dramatic event in the 10 year history of Texas as an independent and sovereign power among the recognized nations of the earth.

"This is the week that I have long contended and believed should be set apart and observed by Austin above all others. It not only marks a scene without parallel in mankinds slow march for liberty under constitutional government, but it's observance should inspire our own children to study the history of their city, state and nation and thus become better citizens - when so much needed in the current war against the "isms".

"It was on the 16th of February 1846 that the first state legislature met - also right where the city hall now stands. There the members met to govern a state and you, Mr. Mayor and your fellow members and co-laborers in the municipal building succeed them to govern the capital city, - worthy successors who are still rendering enduring service in a changing world - as well as a growing capital city.

"Sincerely
(Sgd) A. Garland Adair"

Also the Mayor submitted an excerpt from THE LIFE OF STEPHEN F. AUSTIN, By Eugene C. Barker, Chapter VIII, p. 178:

"Such an enterprise as the one I undertook in settling an uninhabited country must necessarily (he said) pass through three regular gradations. The first step was to overcome the roughness of the wilderness, and may be compared to the labor of the farmer on a piece of ground covered with woods, bushes, and brambles, which must be cut down and cleared away, and the roots grubbed out before it can be cultivated. The second step was to pave the way for civilization and lay the foundation for lasting productive advancement in wealth, morality, and happiness. This step might be compared to the ploughing, harrowing, and sowing the ground after it is cleared. The third and last and most important step is to give proper and health direction to public opinion, morality, and education... to give tone, character, and consistency to society, which, to continue the simile, is gathering in the harvest and applying it to the promotion of human happiness. In trying to lead the colony through these gradations my task has been one of continued hard labor. I have been clearing away brambles, laying foundations, sowing the seed. The genial influences of cultivated society will be like the sun shedding light, fragrance, and beauty."

"Above: Austin to Mrs. M. A. Holley, January 14, 1832."

Councilman Pearson stated a gentleman had made an offer and sent in a check for the purchase of some property on Hancock Drive and North Loop. The City Manager stated that the property was zoned residential, and had deed restrictions. He said also that a part of the corner would be needed for a turn-out lane later. The Council wanted to go look at the property.

Councilman Pearson moved that the Junior Chamber of Commerce be granted permission to have two banners for the Home and Trade Show; and the Livestock show be granted permission to hang their banner. The motion, seconded by Councilman Palmer, carried by the following vote:


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

The Assistant Chief of Police invited the Council to the Police School that was now being held.

Councilman Pearson brought up a request that at least one door in each restroom in the Auditorium be widened to accommodate people in wheelchairs.

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

ATTEST:



City Clerk

APPROVED



Mayor