

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 21, 1951
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Glass presiding.

Roll Call:

Present: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Absent: None

Present also: Walter E. Seaholm, City Manager; Trueman E. O' Quinn, City Attorney; C. G. Levander, Director of Public Works; R. D. Thorp, Chief of Police.

Councilman Drake moved that since copies of the minutes of the last meeting of the City Council have been furnished Council members by the City Clerk, the reading of the minutes be dispensed with and that the minutes be adopted as read in the Clerk's report. Upon being duly seconded by Councilman Long, the motion was unanimously adopted by the Council and the minutes so approved.

MR. CHARLES HERRING appeared before the Council and requested that the following applications for change of zoning, which were to be considered at this meeting, be WITHDRAWN:

EDWIN E. FOSTER	1501-05 Scenic Drive	From "A" Residence To "C" Commercial
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and

FLORENCE W. & L.A. McALLISTER and MAC D. COKER	910 West 6th Street	From "C" Commercial To "C-1" Commercial
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The Council unanimously granted this request and the two applications were withdrawn.

The zoning request of DR. S. F. WATERMAN for change of zone of his property at 506 North Lamar Boulevard from "C" Commercial to "C-2" Commercial, having been postponed at the meeting of February 8th to be heard at the February 21st meeting, came up for consideration. MR. JULIAN CLOPTON represented Dr. Waterman. Opposition was expressed by MR. JEROME SNEED, representing the Capitol Chevrolet Company; MIS LUCILE MOREEY, 510 Baylor for her Aunt, Mrs. Granbury, and by others. The Zoning Board of Adjustment did not recommend this change. Councilman Long moved that the recommendation of the Zoning Board of Adjustment be upheld, and the requested change NOT granted. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

Pursuant to published notice thereof, the following applications for change of zoning were brought up for public hearing:

DR.M. F. KREISLE	2315-17 Longview	From "B-1" Residence To "B" Residence Recommended by the Zoning Board of Adjustment.
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No opposition appeared. Dr. Kreisle appeared in his own behalf. Councilman Johnson moved that the recommendation of the Zoning Board be upheld, and the requested change granted, and that the City Attorney be instructed to draw up the necessary ordinance. The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

J. W. SCARBROUGH	1401-09 Eva Street	From "A" Residence To "C" Commercial RECOMMENDED by the Zoning Board of Adjustment
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MR. GIBSON RANDLE represented the applicant. MRS. W. M. BUCK, and MRS. H.B. HUDNALL appeared in opposition, fearing the change of zoning would permit the sale of liquor or the building of some garage that would be open all night. It was explained this classification would not permit the sale of liquor and would permit a retail business district. Councilman Johnson moved that the recommendation of the Zoning Board be upheld, and the requested change granted, and the City Attorney instructed to draw up the necessary ordinance. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

O. W. ROBERTS

1705 Cedar Avenue

From "A" Residence
To "C" Commercial
RECOMMENDED by the Zoning Board of Adjustment

No opposition appeared. Mr. Roberts appeared in his own behalf, stating he had had a grocery store at this location since 1939, operating on a temporary permit, and he wanted to make some repairs to his building, and could not get a building permit. Councilman Long moved that the recommendation of the Zoning Board be upheld and the requested change granted, and that the City Attorney draw up the necessary ordinance. The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

MRS. SHERMAN BOLIEU, and others from the St. Elmo Civic Club, asked for a reduction in water rates for their district just outside the City limits. The City Manager stated their rates would be reduced when the new rate ordinance was passed, and he explained that the City took over the Water District about six years ago; that the City paid off the bonds which had been issued by the Water District, and thereby they had to keep the District rate in effect, and the district rate is higher than the usual rate-and-a-half for out-of-the city customers. He stated under the new rate, their minimum would be reduced from \$2.50 for 3,000 gallons to \$1.50 for about 2,500 gallons. The rates were explained to the group. It was stated also the group would have better water pressure through improvements this summer and that additional fire plugs would be installed; but that that fact would not reduce their insurance rate. The group was satisfied with the explanation of the water rates and the proposed reduction in the minimum charge.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the sum of \$250.00 be and the same is hereby appropriated out of the General Fund not otherwise appropriated, for the purpose of helping in the financing of the FIRST BATTALION, TEXAS STATE GUARD, (Colonel Weldon M. Swenson) to be paid in monthly installments of \$25.00.

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

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
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 WEST LIVE OAK STREET, from a point 25 feet west of Wilson Street westerly 235 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said WEST LIVE OAK STREET.

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

(2) A gas main in EAST 13TH STREET, from a point 269 feet east of McKinley Avenue easterly 60 feet, the center line of which gas main shall be 7.5 feet south of and parallel to the north property line of said EAST 13TH 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 AVENUE, from West 5th Street southerly 224 feet, the centerline of which gas main shall be 12 feet west of and parallel to the east property line of said WEST AVENUE.

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

(4) A gas main in PACE STREET, from East 4th Street to Santa Rosa Street, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said PACE STREET.

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

(5) A gas main in SANTA ROSA STREET, from Pace Street westerly 134 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said SANTA ROSA STREET.

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

(6) A gas main in EAST 4TH STREET, from a point 238 feet east of San Saba Street westerly 56 feet, the centerline of which gas main shall be 13 feet north of and parallel to the south property line of said EAST 4TH 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 Drake, carried by the following vote:
Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The Mayor called up for its second reading, 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 "E", 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 USE DESIGNATION FROM "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "C-1" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON ALL OF LOT 13, SOUTH 34.42 FEET OF LOT 14, AND SOUTH 84.42 FEET OF LOT 16, BLOCK 26, A. F. SMITH ADDITION, LOCALLY KNOWN AS 5101 BURNET ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the second time and Councilman Drake moved that the rule be suspended and the ordinance be passed to its third reading. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was read the third time and Councilman Drake moved that the ordinance be finally passed. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

Thereupon the Mayor announced that the ordinance had been finally passed.

The Mayor introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE INSTALLATION, OPERATION AND MAINTENANCE OF A HIGHWAY-RAILROAD CROSSING PROTECTION DEVICE ON U. S. HIGHWAY 81 (EAST AVENUE) WHERE SAID STREET CROSSES THE LINE OF THE TEXAS AND NEW ORLEANS RAILROAD COMPANY IN THE CITY OF AUSTIN, TEXAS, AND AUTHORIZING THE CITY MANAGER OF THE CITY TO EXECUTE AND THE CITY CLERK TO AFFIX THE CORPORATE SEAL AND ATTEST THE SAME, A CERTAIN CONTRACT BETWEEN THE CITY, THE STATE OF TEXAS AND THE RAILROAD COMPANY FOR THE INSTALLATION, CONSTRUCTION, EXISTENCE AND THE USE OF SAID PROTECTION DEVICE PROJECT; FOR THE PAYMENT, BY THE STATE OF TEXAS, OF THE CONSTRUCTION COSTS OF SAID PROTECTION DEVICE PROJECT; FOR THE INDEMNIFICATION OF THE STATE BY THE CITY AGAINST ANY AND ALL DAMAGES TO ADJOINING, ABUTTING AND OTHER PROPERTY BY REASON OF THE INSTALLATION OF SAID PROTECTION DEVICE PROJECT; FOR THE PROTECTION OF THE STATE OF TEXAS AGAINST ALL SUCH DAMAGES AND EXPENSES IN CONNECTION WITH A CLAIM OR SUIT THEREOF; AND DECLARING AN EMERGENCY AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER ITS PASSAGE.

The ordinance was read the first time and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was read the second time and Councilman MacCorkle, moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was read the third time and Councilman MacCorkle moved

that the ordinance be finally passed. The motion, seconded by Councilman Long carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The Mayor then announced that the ordinance had been finally passed.

An amendment to the Ordinance prescribing and levying water rates was brought up for consideration. Councilman MacCorkle made further inquiry about the increase of salaries to City employees and about the revised retirement plan, stating the ordinance would provide additional money, but nothing definite was established on the salary increase and retirement plan. It was explained that benefits could be improved, previous service included, and other improvements could be made in the plan and still stay within the 4% participation, which was included in the budget. It was stated that the \$400,000 was the amount set up to take care of the salary increases, and some of it had been used already in the \$10.00 general raise, and the rest would be used in accordance with the evaluation, as far as it will go. There was a general discussion and comparison of the new rates in Austin with those in other Cities.

Mayor Glass then introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE PRESCRIBING AND LEVYING RATES AND CHARGES FOR SALES MADE AND SERVICES RENDERED IN CONNECTION WITH THE WATER WORKS AND SYSTEM AND THE SANITARY SEWER SYSTEM OF THE CITY OF AUSTIN FOR ALL USES OF SUCH WATER AND SEWER CONNECTIONS AND FACILITIES; REPEALING ALL ORDINANCES, RESOLUTIONS, AND ORDERS, OR PARTS OF THE SAME, IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY", WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL SEPTEMBER 1, 1949, AND IS RECORDED AT LENGTH IN ORDINANCE BOOK "O" AT PAGES 301-302 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 1 SO AS TO PROVIDE A NEW SCHEDULE FOR MONTHLY RATES AND CHARGES MADE OR SERVICES RENDERED BY THE WATER WORKS AND SYSTEM AND THE SANITARY SEWER SYSTEM, EXCLUSIVE OF WATER TAPS AND SEWER TAPS; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Drake moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, MacCorkle, Mayor Glass
Noes: Councilman Long

The ordinance was read the second time and Councilman Drake moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, MacCorkle, Mayor Glass
Noes: Councilman Long

The ordinance was read the third time and Councilman Drake moved that the ordinance be finally passed. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, MacCorkle, Mayor Glass
Noes: Councilman Long

The Mayor then announced that the ordinance had been finally passed.

Regarding the Retirement and Pension System Ordinance, the City Manager stated this ordinance would be ready to submit to the Council for consideration by March 8th.

The City Manager asked the City Attorney to explain a lease regarding the Bergstrom Field Housing. He stated there was a final draft, but there were three questions he wanted to straighten out and wanted the Council to know about. (1) Some question about the field notes, in that the Government wanted to use markers of old surveys; (2) In Section 7, a matter regarding to conforming with all state and city laws and ordinances, regulations, etc., making this project subject to them; and 3, Paragraph 11 that all improvements would become the property of the U. S. Government. The Mayor asked that he include in this lease that at any time the base were abandoned and the land reverted to the City, that the buildings on this land would become the property of the City.

Councilman Johnson then offered the following resolution and moved its adoption:

(RESOLUTION)

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

That W. E. Seaholm, City Manager, be and he is hereby authorized and directed to enter into a lease in behalf of the City of Austin consenting to the making and executing of a certain lease, and ratifying and confirming all the terms and conditions of such lease, made and executed by the Secretary of the Air Force, representing the United States of America, and The Bergstrom Corporation, a corporation organized and existing under the laws of the State of Texas, providing for the lease to The Bergstrom Corporation of certain premises out of Bergstrom Air Force Base, under authority of the Act of August 5, 1947 (10 U.S.C. 1270) and the Act of August 8, 1949 (P. L. 211, 81st Cong.), for a period of seventy-five (75) years commencing on the date of final execution of the lease, the land so leased to be used for the purpose of erecting, maintaining, and operating a housing project consisting of approximately 480 units, all in accordance with the terms and conditions of a certain instrument, copy of which is attached to this Resolution and marked by the City Clerk for purposes of identification, and the City Clerk is hereby directed to file for permanent record in the office of the City Clerk the attached copy of said lease agreement without recordation in the Minutes of the City Council. (Filed in Property-Lease)(1951) Contract File No. 501-C.

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

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

There being no further business, the Council adjourned, subject to the call of the Mayor.

APPROVED

Taylor Edens

ATTEST:

Cheri Kossley
City Clerk