

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 13, 1951  
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Drake presiding.

## Roll Call:

Present: Councilman Johnson, Long, White, Mayor Drake  
Absent: Councilman MacCorkle

Present also: B. H. Cruce, Assistant City Manager; W. T. Williams, Jr., City Attorney; C. G. Levander, Director of Public Works; R. D. Thorp, Chief of Police.

Councilman White moved that the minutes of the last meeting of the City Council be adopted. Upon being seconded by Councilman Johnson, the motion was adopted by the Council and the Minutes so approved.

Public hearing on the proposed ordinance prescribing regulations for installation and maintenance of fire protective devices in various types of occupancies and uses, etc., was held. MR. E. T. LOREY submitted a number of suggestions to amend this proposed ordinance. He recommended the appointment of FIVE as a committee to work with the City Attorney to redraft the ordinance, those members to be a representative of an insurance company, a company selling fire extinguishers, a company servicing fire extinguishers, a captain of the Fire Department, and the Fire Marshall. He suggested the ordinance should provide for a five member board of commissioners. Many other suggestions were made. Copy of the recommendations to the Proposed Fire Extinguisher Ordinance as made by Mr. Edward T. Lorey, Owner of Lorey's Statewide Fire Protection Service, is on file in City Clerk's Office. MR. R. C. LANE favored a suggestion made by Councilman Long that a layman be appointed to the advisory committee to look after the interest of those not in the fire extinguisher business, as this extinguisher equipment was expensive, and it would take a number of years for the insurance credit to pay for the equipment. MR. CHARLEY BURTON, Chairman of the Fire Prevention Committee of the Chamber of Commerce, pointed out the dropping of Austin's credit rating from 20% to 5%. Mr. Burton thought this ordinance was needed and felt it was a fine foundation upon which to build the final ordinance. MR. LESLIE PHARES, Detective Agency, suggested that the Fire Marshall or designated body have the power to permit or prohibit a fire alarm system company from

coming in here and selling defective equipment--equipment that would not meet the National Board of Fire Underwriters requirements. The Underwriters Laboratories test the material. MR. GENE RAVEL, Alamo Products Company, mentioned the requirement of one suitable  $2\frac{1}{2}$  gallon extinguisher. Many places, particularly the University area, had already provided fire extinguishers for every floor, but they were less expensive and smaller ones, and Mr. Ravel hated to see those people required to replace those with the  $2\frac{1}{2}$  gallon extinguishers, which he thought were too heavy to be practicable. He felt that this ordinance was not up-to-date on the fire extinguishers available and it could be improved upon. He pointed out the requirement of a four pound CO<sub>2</sub> extinguisher, which only one company manufactures, and he thought this requirement would direct the four pound extinguishers to only one company. Mr. Ravel suggested licensing the company selling and servicing the extinguishers, but not necessarily requiring the salesmen to be licensed. MR. CHARLES SANDAHL inquired about the company writing the ordinance, and he asked that some changes be made regarding the CO<sub>2</sub> extinguisher. He promised to send in some further information along this line. The City Attorney stated the ordinance was prepared in his office, and suggestions and information were accepted on the technicalities of this particular business. MR. SANDY BAUMAN wanted to go on record as favoring a Commission or Board, as recommended by Mr. Lorey, plus two other people not interested in fire extinguishers. It was suggested more authority of enforcement be given to the Fire Marshall. MR. HEATON explained the ordinance as drawn, stating everything in it was based on standards and requirements of the National Board of Fire Underwriters. Other cities were using a similar ordinance, and some cities had written in for copies of this to use as a base for their ordinance. Regarding the appointment of any committee, Mr. Heaton urged the consideration of this ordinance as everything in it was based on the National Board of Fire Insurance Underwriters. He stated he would be happy to work with any committee and discuss fire prevention with everybody. As to the inclusion of the specific four pound CO<sub>2</sub> extinguisher, he stated on his copy of the ordinance, this had been changed to a five pound CO<sub>2</sub>, and that no fire extinguisher company had anything to do with that part of the ordinance. Councilman Long moved that the Council appoint a committee of seven, the City Attorney, and the Fire Marshall to be ex-officio members, to make further study on this ordinance and on other ideas that might be produced, and to study the creation of a Fire Commission, and bring back a recommendation to the Council. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, White, Mayor Drake  
Noes: None  
Absent: Councilman MacCorkle

MR. J. C. LANKFORD, representing the Govalle District, inquired about a request he made sometime back for street lights in front of three certain churches, and a request that something be done about the Railroad Crossing at Springdale Road. He stated he had asked the Council to widen the street also; and he had talked to Mr. Noble Latson who was to contact the Railroad Company about their doing a certain amount of work, and the city then would widen the crossing, but that nothing had been done about that. He asked an appropriation for the Govalle Playground be included in the next budget, in that only \$5500 or \$5600 dollars had been used out of the \$10,000 appropriated, and he was afraid the rest of that money had been transferred for some other purpose. The Director of Public Works was requested to look into the matter of widening the street on Springdale Road and to report back on this, as well as to look into the status of the railroad crossing.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

That B. H. Cruce, Acting City Manager, be and he is hereby authorized and directed to execute a release of the paying lien on all of Lot 12 and the South  $\frac{1}{2}$  of Lot 14 in Block 2, La Prella Place, an addition to the City of Austin, in consideration of the full payment of such paying assessment against such property by Frank H. Jenner and wife, Ethel B. Jenner, the apparent owners.

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

Ayes: Councilmen Johnson, Long, White, Mayor Drake

Noes: None

Absent: Councilman MacCorkle

Mayor Drake introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ESTABLISHING PARKING METER ZONES IN THE CITY OF AUSTIN; AND PROVIDING FOR THE REGULATION OF TRAFFIC THEREBY, WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN AUGUST 19, 1937, AND IS RECORDED IN BOOK "K", PAGES 281-286, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 5(c) OF SAID ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; 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 White, carried by the following vote:

Ayes: Councilmen Johnson, Long, White, Mayor Drake

Noes: None

Absent: Councilman MacCorkle

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 White, carried by the following vote:

Ayes: Councilmen Johnson, Long, White, Mayor Drake

Noes: None

Absent: Councilman MacCorkle

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

Ayes: Councilmen Johnson, Long, White, Mayor Drake

Noes: None

Absent: Councilman MacCorkle

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

Mayor Drake introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN, PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 12(b) OF ARTICLE III RELATING TO STOP SIGNS, AND SECTION 22(f) OF ARTICLE IV RELATING TO TWO-HOUR PARKING LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; DECLARING AN EMERGENCY AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Johnson 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 Johnson, Long, White, Mayor Drake

Noes: None

Absent: Councilman MacCorkle

The ordinance was read the second time and Councilman Johnson 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 Johnson, Long, White, Mayor Drake

Noes: None

Absent: Councilman MacCorkle

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

Ayes: Councilmen Johnson, Long, White, Mayor Drake

Noes: None

Absent: Councilman MacCorkle

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

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 project to extend Arroya Seca between Violet Crown Heights Resubdivision and Crestview Addition be and the same is hereby temporarily abandoned, and that the City Manager be and he is hereby authorized and directed to cause the suit in eminent domain to acquire land across the Cater Joseph Estate for the extension of the said Arroyo Seca to be dismissed.

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

Ayes: Councilmen Johnson, Long, White, Mayor Drake

Noes: None

Absent: Councilman MacCorkle

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on September 12, 1951, bids were received by the City of Austin to install double 36" storm sewer at the Municipal Airport; such bids being as follows:

Karl B. Wagner	\$ 4,130.00
McKown & Sons	4,495.42
Collins Construction Co.	5,536.00

and

WHEREAS, the bid of Karl B. Wagner in the sum of \$4,130.00 was the lowest and best bid, 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 Karl B. Wagner be and the same is hereby accepted, and W. E. Seaholm, City Manager, is authorized and directed to execute a contract with Karl B. Wagner to install double 36" storm sewer at the Municipal Airport on the basis of his bid of \$4,130.00.

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

Ayes: Councilmen Johnson, Long, White, Mayor Drake

Noes: None

Absent: Councilman MacCorkle

The City's estimate amounted to \$4,740.00

Mayor Drake introduced the following ordinance:

AN ORDINANCE ESTABLISHING THE BUILDING LINE ON THE EAST SIDE OF LAVACA STREET, NORTH OF WEST 13TH STREET; AND WAIVING ANY CLAIM WHICH THE CITY OF AUSTIN MAY HAVE FOR REAL OR SUPPOSED ENCROACHMENT ON SAID STREET; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Johnson 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 Johnson, Long, White, Mayor Drake

Noes: None

Absent: Councilman MacCorkle

The ordinance was read the second time and Councilman Johnson 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 Johnson, Long, White, Mayor Drake  
Noes: None  
Absent: Councilman MacCorkle

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

Ayes: Councilmen Johnson, Long, White, Mayor Drake  
Noes: None  
Absent: Councilman MacCorkle

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

W. A. KIRK made inquiry about any report received from the Library Board concerning a recommendation of library policies. The Mayor stated that no word had been received from the Board, and that he would write them and ask for a recommendation.

The matter of the request of the Southern Union Gas Company was brought before the Council. A brief discussion was held, and Councilman Long stated she wanted to ask the City Manager some questions concerning his survey, and just how deeply he went into the matter. Councilman White felt the Company should have a public hearing. Councilman White moved that a public hearing be set for October 4, 1951, at 10:00 A.M. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, White, Mayor Drake  
Noes: None  
Absent: Councilman MacCorkle

The Council received the following proposal, dated September 11, 1951:

"This is to submit to the City of Austin the following proposal:

"The undersigned desires a franchise from the City which would authorize the placing of such number of benches as the Council may determine to be adequate for serving the public at bus stops and other suitable locations throughout the City of Austin. I propose to place not less than 200 of such benches within 90 days of the date such franchise is granted. For the privilege of placing the benches in the City, the undersigned will pay to the City at the end of each month 10% of the gross income received during the preceding month, such payment in no case to be less than \$1.00 per bench per month.

"In addition to the 200 benches to be placed within the first 90 days, such additional benches will be placed thereafter as the public convenience requires. The undersigned asks that such franchise be for a term of five years with

an option for an additional five year period.

"The franchise desired will authorize not only the installation of the benches but also the placing on the backs thereof of an advertising panel which, of course, will be the source of income to the undersigned.

"We propose to furnish to the City such public liability and property damage insurance policies and performance bond as the City authorities may require to the end that performance by the undersigned shall be assured and the City will be held harmless from any character of claim which may grow out of the installation and maintenance of the benches.

"It is intended that the benches generally will be placed between the sidewalk and the curb throughout the City, but benches will not be placed at locations in the extremely crowded downtown business districts if the City authorities determine that the placing of benches at such locations would unduly interfere with pedestrian use of the sidewalks. Generally, we propose to cooperate with the City in the location of the benches so that they will be a convenience and service to the public and in no way an interference or an inconvenience.

"The over-all dimensions of the benches will be approximately six feet in length and three and a half feet high. The benches are constructed of concrete and reinforced steel legs and back support, and each will weigh approximately 400 pounds. The seats will be of F.A.S. Oak with rounded edges. The backs will be a solid panel of No. 1 Red Wood. The advertising panel will be weaterized Masonite which is attached to the wood back by self-locking aircraft screws. The entire bench is constructed with nuts and bolts and no screws or nails are used.

"We are prepared to give to the City whatever assurance it desires that, throughout the term of the franchise, the benches will be maintained at all times in good maintenance and repair and attractively painted. The City may reserve the right to cancel the franchise in its entirety for any failure to keep the benches properly repaired. Further, we will obligate ourselves to keep attractively the area upon which the bench is located, that is, keep the grass and weeds cut under and around the bench, and maintain the ground and bench level and clean.

"We will appreciate the Council's consideration of this proposal as early as possible, and we will be prepared at any time to appear before the Council or any representative they may designate to present further details with respect to the proposal.

"Yours respectfully,  
(S) P. W. Curry"

Mr. Herman Jones represented Mr. Curry in this request. He stated if the Council would like to set this for consideration at some specific time, it would be agreeable. The Mayor stated the docket was pretty heavy with the annexation program under way, and it might be best to postpone consideration of this request at this time.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT Mr. B. H. Cruce, Acting City Manager, be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with W. L. Bradfield and G. H. Brush, by the terms of which the city will purchase from said W. L. Bradfield and G. H. Brush, 3.54 acres of land, same being out of and a part of that certain tract of land out of the Daniel J. Gilbert Survey in Travis County, Texas, which was conveyed to W. L. Bradfield and G. H. Brush by deed dated June 15, 1948, of record in Volume 913 at Pages 126 to 129 inclusive of the Deed Records of Travis County, Texas, at a purchase price equal to the fair cash market value of said land, the fair cash market value to be determined by three appraisers to be agreed upon and named in such contract.

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

Ayes: Councilmen Johnson, Long, White, Mayor Drake

Noes: None

Absent: Councilman MacCorkle

The City Attorney explained that the same procedure of entering into a contract to purchase certain land at a certain price to be determined by three appraisers to be agreed upon and named in the contract was followed for the James Holloway property, and the city prepared a contract, and Mr. Holloway's attorney changed the contract so that if either party were not satisfied that the Arbitrator had followed certain prescribed rules set up by the National Arbitrators, that they could throw the results out. (This was property needed for the new water plant--6.83 acres out of the Daniel J. Gilbert Survey--as authorized on August 9, 1951) It was suggested that Mr. Holloway be given time to make this agreement; and if not, the City Manager should be instructed to proceed with the condemnation suit. The City Attorney was asked that in case the contract had not been entered into by September 20th, to write Mr. Holloway that the suit would be filed.

Pursuant to published notice thereof, the Council publicly heard the following applications for changes of zoning:

RUBY EICHELBERGER

307-309 E. 12th

From "B" Residence  
To "C" Commercial  
Recommended by the Zoning Board of Adjustment

The Mayor asked that all those in favor of following the recommendation of the Zoning Board and granting this request to vote "Aye"; those opposed "No". Roll call showed the following vote:

Ayes: Councilmen Johnson, Long, White, Mayor Drake

Noes: None

Absent: Councilman MacCorkle

The City Attorney was instructed to draw up the necessary ordinance.



GEORGIA PARKS

1309½ Chestnut and additional property, 1311 Chestnut Avenue and 2302 E. 14th Street.

From "A" Residence  
To "C" Commercial  
Recommended by the Zoning Board to include the additional property.

No opposition appeared. The Mayor asked that all those in favor of following the recommendation of the Zoning Board and granting this request to vote "Aye"; those opposed to vote "No". Roll call showed the following vote:

Ayes: Councilmen Johnson, Long, White, Mayor Drake

Noes: None

Absent: Councilman Mac Corkle

The City Attorney was instructed to draw up the necessary ordinance.

FRED D. FOSTER

2109 E. 12th Street

From "A" Residence  
To "C" Commercial  
NOT Recommended by the Zoning Board of Adjustment.

Mr. Foster appeared in his own behalf. The Mayor asked that all in favor of upholding the recommendation of the Zoning Board and denying the change of zoning to vote "Aye"; those opposed to vote "no". Roll call showed the following vote:

Ayes: Councilmen Johnson, Long, White, Mayor Drake

Noes: None

Absent: Councilman MacCorkle

The Mayor announced that the change of zoning had been denied.

S. C. McINTOSH &  
H. M. WEBB

1400 Block of Anderson Lane

From "A" Residence  
To "D" Industrial  
NOT Recommended by the Zoning Board of Adjustment.

Mr. McIntosh appeared in his own behalf, stating this property was bounded by Anderson Lane and Jefferson Chemical Company and the Railroad track, and this property jammed between the industrial track and the railroad track would not be suitable for residential property. Mrs. Edith Haller, 1517 Anderson Lane protested any change of zoning of this property, stating this property had been residential property ever since the City brought it inside the limits. MR. V. D. SYLVESTER appeared in opposition. Mr. McIntosh brought out the fact that Mr. Sylvester was a member of the Zoning Board. Councilman Long wanted to look at the property personally. No action was taken on this request, as the Council decided to make a personal inspection.

The Council received notice from the City Manager that the following applications for change of zoning had been referred to the Zoning Board of Adjustment for consideration and recommendation:

LEMUEL SCARBROUGH E. C. McCLURE	4200 Block, 4300-4306 & 4402 Morningside Ave.	From First Height & Area To Second Height & Area
F. D. BAKER	3003 Lake Austin Blvd.	From "C" Commercial To "C-1" Commercial
C. H. JUNG, JR., by ODAS JUNG	2500-02 Lake Austin Blvd.	From "A" Residence To "C-1" Commercial

The Council received notice that federal funds for 1951-52 were allocated for the following:

TEXAS STATE DEPARTMENT OF HEALTH  
September 11,  
1951

"Mr. W. E. Seaholm  
City Manager  
Austin, Texas

"Project: Texas-58, Brackenridge Hospital, Austin, Travis County,  
Texas

"Dear Mr. Seaholm:

"You will recall that the federal grant-in-aid approved for the above-captioned project was allocated in part from funds then available to the State Agency and in part on a conditional basis, from funds which the State Agency anticipated would be made available for the fiscal year 1951-1952.

"This letter is to inform you that federal funds for the fiscal year 1951-1952 have been officially allocated to the State and to confirm the total allotment of \$750,000.00 to assist in construction of the above-named project.

"Yours very truly,  
(S) George W. Cox, M.D.  
State Health Officer."

## TEXAS STATE DEPARTMENT OF HEALTH

September 11,  
1951

Mr. W. E. Seaholm  
City Manager  
Austin, Texas

"Project: Texas-74, Austin Public Health Center, Austin, Travis  
County, Texas

"Dear Mr. Seaholm:

"You will recall that the federal grant-in-aid approved for the above-captioned project was allocated in part from funds then available to the State Agency and in part, on a conditional basis, from funds which the State Agency anticipated would be made available for the fiscal year 1951-1952.

"This letter is to inform you that federal funds for the the fiscal year 1951-1952 have been officially allocated to the State and to confirm the total allotment of \$100,000.00 to assist in construction of the above-named project.

"Yours very truly,  
(S) George W. Cox, M.D.  
State Health Officer"

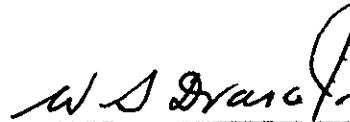
The Council received a letter from A. M. Rundell, 1406 Summit, making inquiry about the purchase of the right-of-way for the Interregional Highway through South Austin. The Director of Public Works explained the Highway Department would advise the City when they were ready to start, and give the city plenty of notice. He said the Highway Department had indicated they wanted to complete the north part of the highway first. Councilman Long stated the City could be getting options now. The Director of Public Works stated the City had started dealings with some of the owners and were working on options now, but were not buying anything as the money was not available.

Councilman White reported complaints from C. H. SNELL and MRS. HUDSON on South 2nd and on Annie regarding a Latin American family having dances two or three times a week and playing music so loud it would keep the neighbors awake past midnight. There are some sick people in the neighborhood, and these people are anxious to have something done about this disturbance. The Assistant City Manager was asked to write Mr. Snell and advise him to make a complaint to the Police Department during the time of the disturbances.

Councilman White noted the city parking lot at 4th and Guadalupe was getting terribly rough and now since it has started raining, it will be hard to get the cars out. Mayor Drake stated this matter was tied in with the State, and no one knew who owned it. He stated it would cost some money to put this block in good shape. Councilmen White asked if it couldn't be graded and leveled. Councilman Long inquired about the best move to make to clarify the ownership of this land. The City Attorney explained the early history of this property's coming into control of the city, but the city not having title to it. He explained that a suit had been filed to determine the ownership, but had never been prosecuted; and at this time no time had been set. He suggested another way would be to wait until the Legislature convened and have the Legislature relinquish the right or claim it might have. Councilman Long suggested going ahead with the suit. Mayor Drake felt there might be some reason why the Attorney General had not wanted to set a date for trial. The Mayor asked about obtaining an opinion from the Attorney General. The City Attorney stated that would not be binding. No further action was taken.

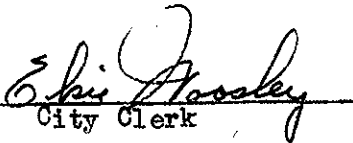
There being no further business, the Council adjourned subject to the call of the Mayor.

APPROVED:



Mayor

ATTEST:

  
City Clerk