

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 20, 1951
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Drake presiding.

Roll Call:

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

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

Councilman White moved that the minutes of the previous meeting be approved.
The motion, seconded by Councilman Johnson, carried by the following vote:

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

DR. C. D. PEAVY, Chairman of the Executive Committee, Travis County Club, presented a resolution adopted by the Club asking that annexation program be delayed. Dr. Peavy stated there were some questions that had been asked that had never been answered, and he would like to hear from the members of the Council. Councilman Long made inquiries of the Director of Public Works and the Water Superintendent on a number of questions. It was concluded that during the next year, work on the streets and bridges in the area designated as Area 6 would be started, as well as treating the streets with the asphalt mixture; that practically the same service could be expected as had been done by the County in its grading of the streets; that garbage service could be expected; that it will be sometime before sewage facilities would be made available. Mr. Levander explained the system out on the Bergstrom Field sewage line, and how short lines would be made available from an 8" line running parallel to this big line. The Water Superintendent, speaking of the plans in Area 6, stated plans were being made for another 6" line across the I&GN tracks to give two feeders to that section, and this should be connected by the first of next year. On Councilman White's inquiry, Mr. Davis explained the system now existing in Kinney Avenue, and that getting the water to these locations was one thing and increasing the water pressure was another; and the work planned would benefit the areas, but would not entirely solve the situation. Councilman White inquired about the mains down the San Antonio Highway, particularly the 2" line from the

school to Boggy Creek. Mr. Davis said those lines would have to have support. As to when the water would supply adequate fire protection, Mr. Davis explained that matter would follow the growth of an area. MR. DAVIS explained the ownership of the water line to the Magnesium Plant to Mr. A. L. Zinser. Mr. Davis on inquiry of Councilman Long stated it would be recommended to take over Water District No. 3, in Area No. 5. The tax valuations were discussed, and the City Attorney stated generally the value placed by the City on property for school purposes would be in line with other valuations in the City for all purposes. Councilman Long asked if these auction companies were brought into the City limits would they be regulated out after four years and would they come in under a nonconforming use. The City Attorney stated it would have to be determined if this were an out-of-door business. MR. WEBB RUFF, owner of the University Airport, stated timing was vital in this annexation; if he were taken in and had to pay city taxes, he would be unable to develop his property, and it would become worthless property; but developed, it would pay off ten to one in taxes. Councilman Long answered questions pertaining to the school children, in that a child would continue to the same school by the same bus through this school year. MR. JOE CROW stated an area should be annexed when density of population warranted such; when it was economically sound to have natural gas; where sufficient density of homes justified garbage pick up, sewer services, etc. He mentioned zoning having prevented an industry from coming to Austin, and cautioned against extending the limits too far. MR. A. L. ZINSER stated lots of people were aroused and alarmed over this annexation. Dr. Peavy introduced the Executive Committee of the Travis County Club.

MR. ALBERT S. GLASER, 1512 Canterbury, came before the Council, stating he had received notice from the Sanitation Department to move his chickens and goat, as he was within 50' from another house. He stated this house had been moved on the rear of the adjoining lot, less than 50' from his chicken house. The matter was referred to the City Attorney.

MR. E. D. LOREY appeared in the interest of the pending fire extinguisher ordinance, recommending that the committee appointed to study this ordinance be instructed to study all ordinances where there is any inclusion of fire protection and fire extinguishers, to avoid overlapping. The Mayor stated the Committee would study the whole problem.

No action was taken on the zoning application of S. C. McINTOSH & H.M. WEBB for change of zoning of the property in the 1400 Block of Anderson from "A" Residential to "D" Industrial. It was announced this application would be considered the following week.

No action was taken on the request to grant a franchise for the placing of benches at bus stops, made by Herman Jones, Attorney for P.W. Curry. The City Attorney was asked to prepare a brief of the past requests and actions of the Council pertaining to this matter and to send copies to the members of the Council. It was announced that the matter would be left on the Council's agenda until the brief is received and studied.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, there is a certain street in the City of Austin, known as North Guadalupe Street, which street is shown upon a map or plat of The Fruth Addition of record in Book 2, page 157, of the Plat Records of Travis County, Texas; and

WHEREAS, the aforementioned street is a continuation of Hemphill Park as shown upon the map or plat of Aldridge Place of record in Book 2, page 231 of the Plat Records of Travis County, Texas; and

WHEREAS, the abutting property owners on that portion of North Guadalupe Street lying north of West 30th Street have petitioned the City Council of the City of Austin to change the name of North Guadalupe Street as described above to Hemphill Park; and

WHEREAS, the City Council of the City of Austin has considered said petition; therefore

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

THAT that portion of North Guadalupe Street lying north of West 30th Street as described above be known and designated as Hemphill Park.

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

Ayes: Councilmen Johnson, Long, MacCerkle, White, Mayor Drake

Noes: None

Mayor Drake introduced the following Ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON LOTS 11 AND 12, BLOCK 20, OUTLOTS 32-33, DIVISION "B", GLENWOOD ADDITION, AND THE EAST ONE-HALF OF LOTS 7 AND 8, BLOCK 13, OUTLOTS 33-34, DIVISION "B", GLENWOOD ADDITION; AND CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON LOTS 7, 8 AND 9, BLOCK 137, ORIGINAL CITY OF AUSTIN, ALL IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING

THE RULE REQUIRING THE READING OF ORDINANCES ON
THREE SEPARATE DAYS.

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

The Mayor announced that the ordinance had been finally passed.

The Mayor introduced the following ordinance:

AN ORDINANCE PERPETUALLY ABANDONING, CLOSING AND
VACATING THE WEST TWENTY-FIVE (25) FEET OF
MATTHEWS DRIVE, BEING A CERTAIN FIFTY (50) FOOT
STRIP OF LAND AS HEREIN DESCRIBED; RETAINING AND
RESERVING A PERPETUAL EASEMENT FOR UTILITIES
THEREIN; AND SUSPENDING THE ORDINANCE RULE RE-
QUIRING THE READING OF ORDINANCES ON THREE SEPARATE
DAYS.

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

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

Councilman MacCorkle 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 paving lien on Lots 3 and 4, Block 17,

Hyde Park No. 2, an addition to the City of Austin, in consideration of the full payment of such paving assessments against such property by Lillie Mokry, the apparent owner.

The motion, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Mayor Drake brought up the following ordinance for its third reading:

AN ORDINANCE GRANTING TO RANDOLPH HAWKINS, DOING BUSINESS AS DE LUXE CAB COMPANY, A FRANCHISE TO OPERATE A TAXICAB SERVICE IN THE CITY OF AUSTIN, AND PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS, AND LIMITATIONS UPON AND UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED.

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, MacCorkle, White, Mayor Drake
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Drake brought up the following ordinance for its third reading:

AN ORDINANCE GRANTING TO GEORGE KNOX, DOING BUSINESS AS HARLEM CAB COMPANIE, A FRANCHISE TO OPERATE A TAXICAB SERVICE IN THE CITY OF AUSTIN, AND PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS AND LIMITATIONS UPON AND UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED.

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, MacCorkle, White, Mayor Drake
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Drake brought up the following ordinance for its third reading:

AN ORDINANCE GRANTING TO ROY VELASQUEZ, DOING BUSINESS AS ROY'S TAXI, A FRANCHISE TO OPERATE A TAXICAB SERVICE IN THE CITY OF AUSTIN, AND PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS AND LIMITATIONS UPON AND UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED.

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, MacCorkle, White, Mayor Drake
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Drake brought up the following ordinance for its third reading:

AN ORDINANCE GRANTING TO AMERICAN TAXI COMPANY, LTD., A CORPORATION, A FRANCHISE TO OPERATE A TAXICAB SERVICE IN THE CITY OF AUSTIN, AND PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS AND LIMITATIONS UPON AND UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED.

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, MacCorkle, White, Mayor Drake
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Drake brought up the following ordinance for its third reading:

AN ORDINANCE GRANTING TO D. F. SAMUEL, DOING BUSINESS AS RED BALL TAXI COMPANY, A FRANCHISE TO OPERATE A TAXICAB SERVICE IN THE CITY OF AUSTIN, AND PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS AND LIMITATIONS UPON AND UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED.

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, MacCorkle, White, Mayor Drake
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Drake brought up the following ordinance for its third reading:

AN ORDINANCE GRANTING TO OWL TAXI SERVICE, INC., A CORPORATION, A FRANCHISE TO OPERATE A TAXICAB SERVICE IN THE CITY OF AUSTIN, AND PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS, AND LIMITATIONS UPON AND UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED.

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, MacCorkle, White, Mayor Drake
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Drake brought up the following ordinance for its third reading:

AN ORDINANCE GRANTING TO YELLOW CAB COMPANY OF AUSTIN, A CORPORATION, A FRANCHISE TO OPERATE A TAXICAB SERVICE IN THE CITY OF AUSTIN, AND PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS, AND LIMITATIONS UPON AND UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED.

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, MacCorkle, White, Mayor Drake
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Drake brought up the following ordinance for its third reading:

AN ORDINANCE GRANTING TO JOHN SHUGART, DOING BUSINESS AS SHUGART TAXI, A FRANCHISE TO OPERATE A TAXICAB SERVICE IN THE CITY OF AUSTIN, AND PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS, AND LIMITATIONS UPON AND UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED.

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, MacCorkle, White, Mayor Drake
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Drake brought up the following ordinance for its third reading:

AN ORDINANCE GRANTING TO LAWRENCE REYES AND J. PETE REYES, DOING BUSINESS AS AIRLINE TAXI, A FRANCHISE TO OPERATE A TAXICAB SERVICE IN THE CITY OF AUSTIN, AND PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS, AND LIMITATIONS UPON AND UNDER WHICH SUCH FRANCHISE SHALL BE EXERCISED.

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, MacCorkle, White, Mayor Drake
Noes: None

The Mayor announced that the ordinance had been finally passed.

The following recommendation from the Austin Public Library Commission was received and read:

"September 14, 1951

"To the Honorable Mayor and Members of the City Council:

"You requested that the Austin Public Library Commission submit advice and suggestions as to the use of the Main Library by Negroes. The Commission has made a thorough study of the problem and submits the following:

"(1) Since the Carver Branch was opened in 1933, the policy has been that when a Negro borrower requests a book which is in the Main Library but not in the Carver Branch, said book is sent immediately to the Carver Branch. This applies whether the request is made at the Main Library or through the Librarian at the Carver Branch. Thus all books in the Main Library are easily available to the patrons of the Carver Branch where the reading room and other facilities are on a par with those at the Main Library.

"(2) The Library Commission recommends that no change be made in the existing policy and that the Main Library continue to be used exclusively by white persons and the Carver Branch only by Negroes.

"(3) If the Council should be of the opinion that a different policy should be adopted, it is suggested that before making any change in the present policy, consideration should be given to the provisions of Art. 1688, Revised Civil Statutes of Texas, 1925. This statute provides in effect that counties operating libraries shall maintain separate branches for whites and Negroes. Since Travis County contributes \$8,000.00 annually to the support of the Austin Public Library, the Council doubtless would want to be sure that a change in the present policy would not result in a withdrawal of the county's contribution towards the upkeep of the Library.

"Respectfully submitted
Mr. Charles Stephenson
Chairman, The Austin Public Library
Commission."

MR. W. A. KIRK presented a statement regarding the policy governing the use of the Library, and made a full oral presentation in support of the Negroes' using the Library. (The statement and transcript of the presentation is on file in the City Clerk's Office under "LIBRARY", and marked for identification.) MR.

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

APPROVED: W. S. Drasler
Mayor

ATTEST:

Edna Doolley
City Clerk