

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 11, 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, White, Mayor Drake

Absent: Councilman MacCorkle

Present also: Walter E. Seaholm, City Manager; W. T. Williams, Jr., City Attorney; C. G. Levander, Director of Public Works; R. D. Thorp, Chief of Police.

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

Ayes: Councilmen Johnson, Long, White, Mayor Drake

Nees: None

Absent: Councilman MacCorkle

MR. CHAS. WEST, Travis County Tuberculosis Association, stated they were planning a mass chest X-ray program on October 16th running through October. Their Units would be in front of the Southern Union Gas Company and 906 Congress. He asked that five parking spaces be blocked off for five-minute parking, so that people could come in for X-rays and leave. Councilman White moved that the Association be granted permission for the parking spaces as requested. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Johnson, Long, White, Mayor Drake

Nees: None

Absent: Councilman MacCorkle

MRS. LOUIS JOHN presented a petition, signed by thirteen citizens, requesting that Wilson Street from Oltorf to Cumberland be widened, and that water runs into the street and remains for days. MRS. JOHN stated they did not mind giving easements for a storm sewer, but they could not pay for the materials and pipe. MRS. I. H. PETERMAN stated drainage from adjoining lots came into her property, and she hated to give the easement and the other fellow's property draining in

on her property. Councilman Long moved that the City Manager be instructed to look into the matter and bring back a report as soon as possible. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Johnson, Long, White, Mayor Drake

Noes: None

Absent: Councilman MacCorkle

MRS. MAUDE PRIGEON BUTLER made inquiry about a decision on renaming East Avenue. The members of the Council thought renaming it would be a little premature at this time. She asked that the old part of Oakwood Cemetery be cared for as provided by an act of the Legislature.

MR. A. B. ROSSEN, representing the Christian Men's Fellowship Committee, asked for supervision of the rest homes that cared for people on old age assistance pensions. Four of these homes take the pensioners at \$45.00 a month, and the maximum the pensioners receive is \$49.00, which would not take care of their medicine. He asked if the City could furnish the medicine--also free water and light to the homes. After discussion, Councilman Long moved that the City Manager be instructed to bring to the City Council his recommendation for regulating the rest homes of the City of Austin. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, Long, White, Mayor Drake

Noes: None

Absent: Councilman MacCorkle

MR. HERMAN JONES, represented MR. P. W. CURRY, in his request for franchise for placing benches at bus stops. He thought the provisions of the ordinance once passed by the Council, would cover their proposal, with the exception of the provision in which the City reserved the right to terminate the franchise on 90 days' notice. He added the advertising contracts would be made for a year; and it would be impossible for one to contract for a yearly contract with a possible 90 day life. He did not think they would invest from \$20,000 up with such a provision in the ordinance, and he suggested in lieu of the 90-day cancellation provision that a provision be made that at anytime they were in default, if they failed to rectify that default, that the city would have the right to cancel the license. In the discussion, it was mentioned that the length of time they requested might be too long. The Mayor suggested it might be of such nature to let this on some other basis rather than on agreement between the Council and some agency. The Mayor asked also if the request now was to place benches only in the "C" Zone and lower zones. Mr. Jones explained that was the case. Councilman Long asked about the number of benches he had planned. Mr. Jones stated they were limited now by using only commercial and lower zones, and also by being required to obtain permission from the owners. Councilman White inquired if there would be any benches in the down-town area at all. Mr. Jones answered that that would depend on the side-walk traffic. Councilman Long moved that the City Manager be instructed to have the City Attorney draw up an ordinance including the ideas that had been

suggested to the Council, following in general the old ordinance, excluding the 90-day cancellation clause, and giving them two years. The motion, seconded by Councilman White, carried by the following vote:

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

LT. ROBERT BIRDSONG introduced five high officials from Japan to the Council--the Federal Prosecutors, one special investigator from the office of the Federal Prosecutors, Chief of the Patrol Division of the Tokyo Metropolitan Police Department, and the Chief of Police from Fuoyeka, a city of about 455,000. An interpreter accompanied the officials. The Mayor greeted and welcomed them.

The Mayor called a meeting of the Council to meet with the Planning Board Monday, October 29, 1951.

Pursuant to published notice thereof, the application for change of zone of T. P. YEATES' property at 5200 North Lamar was heard:

| | | |
|--------------|------------------|--------------------|
| T. P. YEATES | 5200 North Lamar | From "A" Residence |
| | | To "C" Commercial |

MR. YEATES appeared in his own behalf, and stated he had two entrances from North Lamar to serve his own property, but pointed out the Planning Board had recommended a street in the rear of his property. He said he was willing to give 50' for the road, as were MR. MUELLER and MR. BOHN, adjoining property owners. MR. W. G. WONSLEY objected to the change of zoning conditioned on the opening of this street from North Loop to Capitol Courts, as he believed it would increase traffic through there. He stated if North Loop were paved, he would have no objections to this other street. MR. C. B. McCULLOUGH protested the change. He did not object to the one piece of property, but did object to the Zoning Board's recommendation to include all the additional property, and he objected to the proposed road from North Loop to Capitol Court. MR. HENRY HABEEB, DR. JOHN R. SMITH, 5304 Sunshine Drive, and others objected to the change of zoning of the entire area all conditioned upon the opening of this street. The Council took no action on this request, as it wanted to make a personal inspection of the property.

The City Manager submitted recommendations in regard to the third paving program. He explained the financing of the program, and reviewed what other cities were doing. Fort Worth and Dallas were carrying out their programs like Austin. Their attorneys agreed with our City Attorney, when asked about the city carrying the whole program, that if it were a 100% proposition, the Courts might not uphold that. Dallas had amended their charter in 1947, which provided they could assess property in favor of the City, and then they took bond money and set up a revolving fund, which is working out satisfactorily. The City Attorney explained there might be a question arise in which our charter might not permit the making of assessments to reimburse the city. The City Manager said

this should be included in a charter amendment, whereby the certificates could be issued to the city and not to the contractor. He went on to say that at this moment, he would hesitate to recommend it on this program, as prices are still climbing, and this charter amendment procedure might not be an economy on the present program. He also has requests coming in to go ahead with the present program as some say they want paving, and do not care about the costs. He wanted to point out that any delay in the program might not result in any savings when prices at the future time are compared with prices now. He said the bid under consideration, was above the prevailing prices for curbs and gutters; and before any contract was made, there would be an understanding on that matter, and he felt the company might make some changes. The prevailing rate for curbs and gutters is \$1.25, and they had \$1.40. (The written statement of the City Manager dated October 11, 1951, is on file in the City Clerk's office, under STREET - Paving, Assessment Plan, Contract No. 3) After considerable discussion, Councilman Long moved to instruct the City Manager to have the City Attorney start proceedings for drawing up this Charter Amendment for paving and whip into shape a few other charter amendments that have been on the books that he knows about and that the Council knows about. The motion, seconded by Councilman White, carried by the following vote:

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

Regarding the present bid of Brown & Root, Councilman Johnson moved that the City go ahead and let the people who wanted to pave go on at this time, on condition that the curb and gutter unit costs be reduced from \$1.40 to \$1.25. The motion, seconded by Councilman White, carried by the following vote:

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

In discussion, Mayor Drake stated that people who wanted to go ahead with this paving should be allowed to do so. Councilman Long wanted all the people to be notified that a new program was being planned, which would not be in effect for 90 days or six months; and if they wanted to go ahead, this program was available for them; or if they wanted to wait, the other plan would be available. Councilman Long moved that the City Manager be instructed to circularize the citizens through the Water & Light Bills with information concerning the paving program. The motion, seconded by Councilman White, carried by the following vote:

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Dr. Matthew F. Kreisle and Dr. James E. Kreisle have made application in writing for permission to erect a doctors office and clinic for human beings only, on Lots 13 and 14, Outlot 41, Division D, P. J. Lawless Addition in the City of Austin, Travis County, Texas, the same being on the south east corner of West 24th and Longview Streets, and locally known as 2317 Longview Street, and is located in a "B" Residence District which requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin, therefore

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

THAT permission for the erection and maintenance of a doctors office and clinic for human beings only be granted to Drs. Matthew F. Kreisle and James E. Kreisle with the following conditions:

1. That this clinic be used in the general practice of medicine and that no mental or psychiatric patients behoused in such clinic.
2. That all regulations required in this zone and all building code provisions be complied with in the erection and maintenance of such building.

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

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 JOHANNA STREET, from a point 180 feet west of South 1st Street easterly 108' feet, the centerline of which gas main shall be 15 feet south of and parallel to the north property line of said WEST JOHANNA STREET.

Said gas main described above shall have a cover of not less than 2½ feet.

(2) A gas main in WEST MARY STREET, across South 3rd Street intersection, the centerline of which gas main shall be 7 feet south of and parallel to the north property line of said WEST MARY STREET.

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

(3) A gas main in SOUTH 3RD STREET, across West Mary Street intersection, the centerline of which gas main shall be 10 feet east of and parallel to the west property line of said SOUTH 3RD STREET.

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

(4) A gas main in SOUTH 6TH STREET, from a point 92 feet north of West Johanna Street, south to West Live Oak Street, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said SOUTH 6TH STREET.

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

(5) A gas regulator pit in WEST MARY STREET, the centerline of the 6 foot axis to be 4.5 feet, south of the north property line of West Mary Street, and the centerline of the 9 foot axis to be 303 feet east of South Lamar Boulevard.

(6) A gas main in OLIVE STREET, from a point 57 feet west of Navasota Street westerly 44 feet, the centerline of which gas main shall be 10 feet south of the north property line of said OLIVE STREET.

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

(7) A gas main in BRYAN STREET, from a point 44 feet east of Harvard Street easterly 180 feet, the centerline of which gas main shall be 7 feet north of south property line of said BRYAN STREET.

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

(8) A gas main in BURNET ROAD, from a point 57 feet north of North Street northerly 94 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said BURNET ROAD.

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

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 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 Johnson, 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, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its telephone pole line in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the Director of Public Works; Now therefore

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

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its telephone pole line in the following streets:

(1) A telephone pole line in ENFIELD ROAD, from Exposition Boulevard to Park Street, the centerline of which telephone pole line shall be 1 foot south of and parallel to the south curb line of said ENFIELD ROAD:

(2) A telephone pole line in PARK STREET, from Enfield Road to Lake Austin Boulevard, the centerline of which telephone pole line shall be 1 foot north of and parallel to the south property line of said PARK STREET.

THAT the work and construction of said telephone pole line including the excavation of the streets and the restoration and maintenance of said streets after said telephone pole lines have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

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

Ayes: Councilmen Johnson, Long, White, Mayor Drake

Noes: None

Absent: Councilman MacCorkle

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the City Council of the City of Austin hereby approves the property

situated on the south side of East 6th Street as a private gasoline plant, which property is owned by Texcrete Company of Austin, and is designated as part of Lot 3, Outlot 10, Division O, in the City of Austin, Travis County, Texas, and hereby authorizes the said Texcrete Company of Austin, through M. P. Jolly, General Manager, to operate a private gasoline plant consisting of a 550 gallon underground tank and pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, subject to the same being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Texcrete Company of Austin has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
October 11, 1951

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

"Dear Sir:

"I, the undersigned, have considered the application of Texcrete Company of Austin, through M. P. Jolly, General Manager, for permission to operate a private gasoline plant consisting of a 550 gallon underground tank and pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the south side of East 16th Street, which property is designated as part of Lot 3, Outlot 10, Division O, in the City of Austin, Travis County, Texas, and locally known as 2303 East 6th Street.

"This property is located in an "E" Heavy Industrial District and I recommend that this permit be granted subject to the following conditions:

"(1). That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

"(2). That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street or alley.

"(3). That "NO SMOKING" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

"(4). That all fees shall be paid and a permit secured from the Building

Inspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

"Respectfully submitted,
(Sgd) J. C. Eckert
Building Inspector "

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, there is a certain street within the City of Austin known as West 10 $\frac{1}{2}$ Street, which street is shown upon the map or plat of Marlton Place, Section 1 of record in Book 4, page 10 of the Plat Records of Travis County, Texas; and

WHEREAS, the abutting property owners on the aforementioned street have petitioned the City Council of the City of Austin to change the name of West 10 $\frac{1}{2}$ Street to Marlton Drive; 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 West 10 $\frac{1}{2}$ Street as referred to above be known and designated as Marlton Drive.

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

The claim of Thomas Bebee was not considered at this meeting, but will be before the Council the following week.

The matter of furnishing water and light services to three organizations without cost was again laid before the Council. The City Manager stated he would submit a list to the Council each year for approval. Councilman Long moved that the CEREBRAL PALSY CENTER, the INTER-AMERICAN HOUSE, and the COMMUNITY GUIDANCE CENTER be added for free water and light services for the balance of the year. The motion, seconded by Councilman White, carried by the following vote:

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

By letter dated October 9, 1951, the ALPHA KAPPA SIGMA CHAPTER, SIGMA GAMMA RHO SORORITY requested permission to hold a "Tag Day" sale on the City streets, Saturday, November 3, 1951, for the purpose of raising money to complete the payment on the property at 1011 East 12th Street, which the chapter expected to use to establish a Teen-age Center. Councilman Long moved that the requested permission be granted. The motion, seconded by Councilman White, carried by the following vote:

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

THAT the final plat of the subdivision known as "Hether Street Addition", approved by the City Plan Commission of the City of Austin on September 27, 1951, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

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

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

Councilman Long reported a wash-out on 45th and Marathon, and stated there was a bad condition there which needed repair.

The Council was invited to a demonstration at the Tower by the Fire Department, Friday, October 12, at 9:30. Councilman White stated the Gulf Oil Corporation was also holding a demonstration which they wanted the Council to see. The Gulf Oil Corporation Demonstration was the use of chemicals for different kinds of fires, and he had seen this, and felt the other members of the Council should have the opportunity also.

Councilman Long inquired about the care of the old part of Oakwood Cemetery, as she had had a complaint regarding the road through it. The City Attorney explained the perpetual care of the new cemetery, whereby a certain portion of the cost of the lot was set up as a trust fund to care for it; but the care of the old part of the cemetery would come from tax money. The City Manager stated the condition of the road would be checked and taken care of.

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

Philip Bashara

4400 Block Red River

From "A" Residence
To "C" Commercial

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

APPROVED:

W. S. Driscoll
Mayor

ATTEST:

Elaine Massby
City Clerk