

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 25, 1951  
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Pro-tem MacCorkle presiding.

## Roll Call:

Present: Councilmen Johnson, White, Mayor Pro-tem MacCorkle

Absent: Councilman Long, Mayor Drake

Mayor Pro-tem MacCorkle announced that Councilman Long was out of the City, and that Mayor Drake was at the University making a welcoming address.

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 last meeting be approved. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Johnson, White, Mayor Pro-tem MacCorkle

Nees: None

Absent: Councilman Long, Mayor Drake

MR. FRANCIS J. AMSLER, spokesman of the Better Business Bureau, introduced the Committee composed of MESSRS. ART SPRINKLE, ALDEN DAVIS, JESSE KELLAM, and HOWARD BERGQUIST. They were interested in reactivating the Solicitation Ordinance in Austin, which did provide that permits could be issued by the City Manager or also that the Mayor might appoint a Board of seven to serve as a Board of Advisors of public solicitation of funds. They asked that this Board be appointed and that they work with the City Attorney to make a study of this ordinance to see if any changes were necessary. They offered their services in working with this committee. Councilman White endorsed the suggestion. The City Manager explained the ordinance and recommended such a committee. Mayor Pro-tem MacCorkle said this would be called to the attention of the Mayor and the Council would take the matter up shortly, and he thanked the committee for the offer of their services.

The Council received a letter presented by MR. A. L. ZINSER, formally protesting the annexation of 23.5 acres of farm land on their homestead bordering upon Anderson Lane and Balcônes Trail, within the James M. Mitchell Survey. He expressed appreciation of the public statement made by Councilman MacCorkle regarding annexation at the time he voted against it.

At this time Mayor Drake entered the Council Chamber and presided.

MR. V. A. CUNEO reported that many gas meters were located underneath the houses, and might be in the same condition that his had been. He stated there was a gas leak, and at first the Company was hesitant in moving the meter, but later did move it. He thought it might be a good idea for the City to survey this matter and take precautionary methods. The City Manager stated he would make an investigation and see what the regulations were in this regard.

MR. TED DEISON made inquiry about a specific piece of property in connection with the annexation program. The Mayor stated he would find out more in detail for him, and give him the information.

MAYOR DRAKE inquired if anything had been heard from MR. CLINTON OWSLEY regarding his rate study of the SOUTHERN UNION GAS COMPANY'S request for rate increase. Councilman MacCorkle stated that Mr. Owsley had indicated to him that he might be in Austin next week. The City Manager stated that he had heard nothing from him at this time.

Councilman MacCorkle moved that the following application for change of zoning be set for public hearing November 21, 1951:

V. A. CUNEO	So. 140', Lot 28, Outlet 6, 9, Division "C", Beau Site Addition, locally known as 3204 Red River Street	From "A" Residence To "C" Commercial NOT Recommended by the Zoning Board on May 14, 1951.
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The motion, seconded by Councilman Johnson, carried by the following vote:  
 Ayes: Councilmen Johnson, MacCorkle, White, Mayor Drake  
 Noes: None  
 Absent: Councilman Long

Public hearing on the zoning request of F. D. BAKER for change of zoning of his property at 3003 Lake Austin Boulevard from "C" Commercial to "C-1" Commercial was postponed until the following week, so that it could be heard before a full Council.

Councilman MacCorkle 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 "Kouri Subdivision", approved by the City Plan Commission of the City of Austin on April 12, 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, MacCorkle, White, Mayor Drake

Noes: None

Absent: Councilman Long

Councilman Johnson 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 ROSEWOOD AVENUE, from a point 170 feet west of Walnut Avenue, easterly 198 feet, the centerline of which gas main shall be 7.5 feet north of and parallel to the south property line of said ROSEWOOD AVENUE.

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

(2) A gas main in WALNUT AVENUE, from Rosewood Avenue, northerly 277 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said WALNUT AVENUE.

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

(3) A gas main in CHESTNUT AVENUE, from a point 13 feet north of East 18th Street, northerly 94 feet, the centerline of which gas main shall be 12 feet west of and parallel to the east property line of said CHESTNUT AVENUE.

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

(4) A gas main in EAST 11TH STREET, from a point 158 feet west of Northwestern Avenue, easterly 88 feet, the centerline of which gas main shall be 10 feet south of and parallel to the north property line of said EAST 11TH STREET.

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

(5) A gas main in BERGMAN AVENUE, from a point 150 feet west of Anthony Street, easterly 65 feet, the centerline of which gas main shall be 5 feet south of and parallel to the north property line of said BERGMAN AVENUE.

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

(6) A gas main in WEST 11TH STREET, from a point 242 feet, west of Charlotte Street, easterly 247 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said WEST 11TH STREET.

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

(7) A gas main in CHARLOTTE STREET, from West 11th Street northerly 95 feet, the centerline of which gas main shall be 10 feet west of and parallel to the east property line of said CHARLOTTE STREET.

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

(8) A gas main in WEST 11TH STREET, from a point 356 feet west of Toyath Street, easterly 393 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said WEST 11TH STREET.

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

(9) A gas main in WEST LYNN STREET, from West 12th Street southerly 133 feet, the centerline of which gas main shall be 7 feet east of and parallel to the west property line of said WEST LYNN STREET.

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

(10) A 9'x6'x7' gas regulator pit in West Lynn Street, the centerline of said regulator pit to be 64.5 feet south of the south property line of West 12th Street and 7 feet east of the west line of West Lynn Street.

(11) A gas main in WEST 10TH STREET, from a point 103 feet east of Theresa Avenue, westerly 112 feet, the centerline of which gasmain shall be 15 feet north of and parallel to the south property line of said WEST 10TH STREET.

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

(12) A gas main in WINSTED LANE, from a point 105 feet north of Woodmont Avenue, southerly 112 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said WINSTED LANE.

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

(13) A gas main in WOODMONT AVENUE, from a point 28 feet west of Winsted Lane westerly 135 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said WOODMONT AVENUE.

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 MacCorkle, carried by the following vote:

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

Councilman MacCorkle 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 5th Street as a private gasoline plant, which property is owned by Yellow Cab Company and is designated as Lot 7, Block 41, Original City of Austin, Travis County, Texas, and hereby authorizes the said Yellow Cab Company to operate a private gasoline plant consisting of a 2000 gallon underground tank and electric 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 Yellow Cab Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas  
October 25, 1951

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

"Dear Sir:

"I, the undersigned, have considered the application of Yellow Cab Company for permission to operate a private gasoline plant consisting of a 2000 gallon underground tank and electric 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 5th Street, which property is designated as Lot 7, Block 41, Original City of Austin, Travis County, Texas, and locally known as 221 East 5th Street.

"This property is located in a "C-2" Commercial 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 White, carried by the following vote:

Ayes: Councilmen Johnson, MacCorkle, White, Mayor Drake

Noes: None

Absent: Councilman Long

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on October 19, 1951, bids were received by the City of Austin for the construction of a concrete culvert at East 19th Street and Boggy Creek; such bids being as follows:

Maufrais Bros.	\$ 11,434.44
N. L. Larson	12,717.57
Joe Fuhrman	12,828.33
J. C. Gilstrap	12,900.05
H. S. Bettersworth	13,340.24
Ross Anglin	15,414.19

and

WHEREAS, the bid of Maufrais Bros. in the sum of \$11,434.44 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 Maufrais Bros. be and the same is hereby accepted, and W. E. Seaholm, City Manager, is authorized and directed to execute a contract with Maufrais Bros. for the construction of a concrete culvert at East 19th Street and Boggy Creek on the basis of their bid of \$11,434.44.

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

Ayes: Councilmen Johnson, MacCorkle, White, Mayor Drake

Noes: None

Absent: Councilman Long

The Mayor introduced 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 "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 DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON WEST 504.6 FEET OF A 3.87 ACRE TRACT OUT OF THE SPEAR LEAGUE, KNOWN AS 5200 NORTH LAMAR BOULEVARD, 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 first time, and Councilman Johnson moved that the rule be suspended and the ordinance passed to its second reading. The motion seconded by Councilman MacCorkle, carried by the following vote:

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

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 MacCorkle, carried by the following vote:

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

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

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

The Mayor announced that the ordinance had been finally passed.



The City Manager submitted the name of MR. JOHN SIMPSON for consideration for appointment to the Hospital Board to fill the vacancy of MRS. GOODALL WOOTEN, who resigned. Councilman White moved that Mr. John Simpson be appointed to the Board. The motion, seconded by Councilman MacCorkle, carried by the following vote:

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

Pursuant to published notice thereof, public hearing on the following zoning application was held:

MRS. D. W. LANIER	property south of West 12th Street and east of Shoal Creek	From "B" Residence To "C" Commercial RECOMMENDED by the Zoning Board on Sept. 17, 1951, conditioned that proper provisions be made for the reservation or dedication of the extension of W. 11th to connect with the lane along Shoal Creek.
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MR. W. L. BRADFIELD represented Mrs. Lanier. Discussion of the reservation or dedication of the street as recommended by the Zoning Board was held. MRS. D. W. LANIER stated she was willing for the street to go through provided it was laid out soon, and provided she was entitled to whatever compensation that might be decided on. No opposition appeared at the hearing. The Mayor asked that those in favor of upholding the recommendation of the Zoning Board and granting the change as recommended to vote Aye; those opposed vote No. Roll call showed the following vote:

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

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

Councilman Ben White asked if the water used in the swimming pools was metered. The City Manager replied that it was and information was available on the exact amount used at every pool.

Councilman MacCorkle inquired about the gassing of the garbage trucks. The Director of Public Works explained the trucks were washed and serviced at night by an employee at the Incinerator.

Councilman Johnson inquired about the City Market. The City Manager stated it was being cleaned up. He reported on the market in Dallas, as a place for selling at wholesale, but not retail.

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

G. W. SEIDERS	3025 Guadalupe	From "C-1" Commercial To "C-2" Commercial
L. L. McCANDLESS	1215 South Congress	From "C" Commercial To "C-1" Commercial
B. D. WATKINS	5312 Airport Blvd.	From "C" Commercial To "C-1" Commercial

There being no further business, the Council adjourned at 11:15 A.M., subject to the call of the Mayor.

APPROVED: \_\_\_\_\_

*W S Davis*  
Mayor

ATTEST:

*Elis Hoasley*  
\_\_\_\_\_  
City Clerk