

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 1, 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: 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 MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, MacCorkle, White, Mayor Drake
Noes: None
Present but not voting: Councilman Long

MR. S. J. MAXWELL, representing the NORTH AUSTIN CIVIC CLUB, the NORTH AUSTIN LION'S CLUB, the HANCOCK PARENT'S CLUB, THE NORTHWEST AUSTIN CIVIC CLUB, THE BRENTWOOD PARK CLUB, THE HYDE PARK READING CLUB, and representatives of the BAKER, ROSEDALE, ROBERT E. LEE, RIDGETOP, BRENTWOOD, MAPLEWOOD, and AUSTIN HIGH SCHOOL PARENT-TEACHER ASSOCIATIONS, asked the Council to dedicate 90 acres of the present Hancock Golf Course as a Municipal Public Park. Councilman Long favored dedicating the whole 90 acres, looking toward the future needs. Councilman MacCorkle felt that 50 acres for the present time would be sufficient, and not include all the tract at this time. He also favored dedicating the Wilshire Boulevard tract of land, reserving a strip of land along the Boulevard for such development as might be wise. Councilman White favored dedicating the 90 acres, and thought the City should keep all of its park land. Mayor Drake favored dedicating the 50-acre tract, but thought the other 40-acre track might be sold and the city could get a large 200-300 acre track for golf course and riding trails. At this time, MR. R. W. BYRAM, Chairman of the Site Committee, St. David's Hospital, asked the Council to give an option of ten acres of the northeast portion of the Hancock Golf Course, lying along Red River north of 41st Street; or as second request, a ten acre tract with a minimum frontage of 300' either on Red River or on 41st street. The Mayor stated the Council could not act on this now, but would take it under consideration. Councilman MacCorkle moved that the Council

dedicate for park purposes the 50 acres lying west of Red River, reserving enough to widen and make certain changes on Red River and 38th as may be necessary. The motion was seconded by Councilman Johnson.

Councilman Long offered a substitute motion, moving that the Council dedicate the whole 90 acres of the park area leaving such area as necessary for streets and having the park area set back 300' from the East Avenue frontage, reserving such part as necessary for roads. The motion was seconded by Councilman White. Roll call on the substitute motion showed the following vote:

Ayes: Councilmen Long, White

Noes: Councilmen Johnson, MacCorkle, Mayor Drake

The Mayor announced that the substitute motion failed to carry, and the roll would be called on the original motion. Roll call on this motion, to dedicate for park purposes the 50 acres lying west of Red River reserving enough to widen and make certain changes on Red River and 38th as may be necessary, showed the following vote:

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

Noes: None

COUNCILMAN MacCORKLE asked that the Wilshire Boulevard Park area be dedicated at this time. It was suggested by the Mayor that a map be drawn up for that area before a definite amount was dedicated. The City Manager was asked to have this plat drawn up and sent to the Parks Board and to the Recreation Director for study.

In accordance with the published notice thereof, at 10:30 o'clock A.M. it was announced that the Council would proceed with the hearing involving the improvement of certain streets in the City, the benefits which would result to the abutting property and owners, the amount of the costs of such improvements to be assessed against the abutting property and owners, and all related matters. A list of the streets proposed to be improved, beginning with West 9th Street, Unit 1, was read.

The Assistant Director of Public Works, Mr. Latson, was called upon to describe the proposed paving program. He explained the type of paving to be used: a 4" flexible base with $3\frac{1}{2}$ " hot-mix asphaltic concrete; with curb and gutter. He explained the plan of financing this type of permanent residential paving, with one-eighth of the total cost being due within 30 days after the Council accepted the paving, and the remainder to be paid in seven yearly installments. The interest rate is five percent on the unpaid balances.

MR. BEN KING, a professional appraiser, stated he was familiar with the streets in this paving program, and that in the majority of cases, the enhancement of the value of the property and the immediate neighborhood would exceed the cost of the paving. He stated one case he did not feel would be enhanced, and said that there may be others, but he would be doubtful.

A number of property owners were present and all were given an opportunity to ask questions and make statements.

Letter from MR. E. T. SMITH, representing the owners of the property fronting on West Lynn and extending east 222 feet on the south side of West 9th Street, protesting the paving in this area, was received by the Council.

MR. J. W. BASSETT, 1302 E. 28th Street, inquired if the present curbs would be used. The Assistant Director of Public Works replied that if the curbs were constructed on lines and grades given by the City and were usable, they were left; and if they had to be removed, the City would remove them; but if the city had to remove some old curbs which had outlived their useage, this charge would be assessed against the owner.

MR. C. A. WOLFE, 1815 W. 37th, inquired about the difference in amount that the City would pay in the paving of West 37th between Oakmont and Lawton, and the amount it would pay on Lorraine between 12th Street and 13th. This was explained that Lorraine was a 40' street, whereas Mr. Wolfe's street was a 30', and the City paid the difference in a 30' street and a 40' street. It was also explained that curbs and gutters were assessed against the property owners without any participation by the city in that cost.

MR. C. M. DONAHO, 711 West 14th Street, inquired about the paving of 14th Street from West Avenue. This paving was not included in the present program.

MR. R. L. WHITE, 1107 Reagan Terrace, inquired if 90-95% wanted to go ahead with the paving of their block, would the few others be able to block it; and if there were not enough to go on in this paving program, would their petition be thrown out. This was explained to Mr. White that if 90-95% of the money was signed up, the paving would be done. Mr. White thought that 15% of the people would be against the paving, thinking they would wait until a cheaper program was instigated. Councilman Long added that no one would be penalized by not going on in this present program, if they wanted to wait until a less expensive program was started.

MRS. HARWOOD STACY stated she had five lots on Alameda Drive which she could not sell as the terrain was rough and it was impossible to build on these lots, and the expense of paving in front of them would be too high. She asked that her protest be considered. Her lots were Lots 19, 20, 21, 22, 23, and 24, Block 3, in Travis Heights.

No one else made any statements in this hearing. Councilman Long moved that the hearing be closed and that the City Attorney be directed to prepare for adoption an ordinance assessing the paving costs to conform to the findings of the Council when made. The motion, seconded by Councilman White, carried by the following vote:

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

The application for change of zoning of the property of F. D. BAKER, 3003 Lake Austin Boulevard, from "C" Commercial to "C-1" Commercial came before the Council for consideration. Public hearing was advertised for October 25, 1951, but was postponed until this date. MR. FRANK KERBOW represented Mr. Baker. MR. CARL BREDDT, representing the University of Texas, appeared in opposition, stating this property was surrounded by University property, and there were future plans of development of the University property for educational purposes. He asked that the zone not be changed. The Zoning Board of Adjustment also had recommended that the zone not be changed. The Mayor asked that all of those

in favor of upholding the recommendation of the Zoning Board and denying the change to vote AYE; those opposed to vote NO. Roll call showed the following vote:

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

The Mayor announced that the requested change had been denied.

MR. HUBERT LEE, representing the Travis County Club, asked that the Council appoint a Committee to consider setting up certain standards by which property adjoining the City could be annexed, in order that people would know how to develop their property. He asked that this Committee work with the Travis County Club, and work out something to submit in a charter amendment on this matter. The Mayor thought a declaration of policy would be better. Councilman Long outlined the amount of planning that had already been done in the annexation program. MR. W. A. BANDY, JR., asked that certain regulations be set out for annexing property. MR. EUGENE HOWARD joined Mr. Bandy in this request. Councilman MacCorkle said there is a lot to be done on the part of the Council so that all would have a better understanding of what they were trying to do; but whether this should be in a charter amendment, he would have to think about it more. He thought most of the Council members think there should be some policy that would be a guide to everyone on this problem. Mayor Drake again said a statement of policy would have more effect; as this Council had studied the matter, and he felt it would influence future actions in this regard.

The request of MRS. A. L. PATTEN and MRS. IRMA BLAND for permission to operate a rest home or home for aged on Lot 10, Outlot 23-1/2, Division D, locally known as 2106 Nueces Street, came before the Council for consideration. Opposition to this request was expressed by JUDGE WHEELER, representing MISSES ANNIE C and JESSIE MAY HILL; MRS. J. W. BRADFIELD at 2101 and 2103 Nueces; MR. TIMMERMAN through his daughter, for the property at 2100 Nueces, and by letters from MISS EMMA HARRELL, 2107 Rio Grande Street and Miss Lena Clark Johnson 2110 Nueces. All opposition felt the area was too congested, and felt this neighborhood was just not suited for a home for the aged. Councilman MacCorkle moved that the request be denied and no permit granted for a rest home or home for the aged at this location. The motion, seconded by Councilman White, carried by the following vote:

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

MR. WINSTON CURRY, Koenig Lane, claimed there were no utilities on his property, although they had been paid for for four years. He had made a protest of his tax evaluation to the Equalization Board on the basis of not having the utilities, although they ran right up to his property, but no further. The City Manager was requested to look into this and have a report by next Thursday.

Mayor Drake introduced the following ordinance:

AN ORDINANCE PERPETUALLY CLOSING AND VACATING AN ALLEY RUNNING NORTH AND SOUTH BETWEEN BLOCKS 12 AND 14, OF WALSH PLACE FROM ENFIELD ROAD TO BONNIE ROAD, KNOWN AS SCENIC DRIVE ALLEY, AND AS SHOWN ON A MAP OR PLAT RECORDED IN BOOK 3, PAGE 94, OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS, BUT RETAINING EASEMENTS IN SAID ALLEY FOR ALL PUBLIC UTILITIES; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman MacCorkle moved that 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

Before finally passing the ordinance, the Council wanted it referred to the Planning Board, for its comment.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by ordinance duly passed on August 30, 1951, and recorded in Book "Q", at pages 624-630, inclusive, of the Ordinance Records of the City of Austin, the City Council ordered the permanent improvement of certain portions of public streets designated therein, by excavating, grading and paving the same, by the installation of drainage facilities therein, and by the construction of curbs and gutters where required, in accordance with plans and specifications on file with and approved by the City Council; and,

WHEREAS, pursuant to such ordinance the City Manager advertised for bids for construction of such improvements, and bids were received, and opened and the bid of Brown & Root, Inc., being the lowest and best responsible bid, the contract for the construction of such improvements has been awarded by the City Council to Brown & Root, Inc.; and,

WHEREAS, the Director of Public Works has estimated that the part of the contract price for such work to be paid by the City of Austin is the sum of One Hundred Fifty-Two Thousand Seven Hundred Five and 59/100 (\$152,705.59) Dollars, Now, Therefore,

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

That the sum of One Hundred Fifty-Two Thousand Seven Hundred Five and 59/100 (\$152,705.59) Dollars be and the same is hereby appropriated from General Funds of the City set apart in the current budget for street improvements, to defray the part of the cost of construction under such contract which is to be paid by the City of Austin.

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

Ayes: Councilmen Johnson, Long, MacCorkle, 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, 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 "B" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON A TRACT OF LAND OUT OF OUTLOT 5 IN DIVISION "E" OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, 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 Johnson, carried by the following vote:

Ayes: Councilmen Johnson, MacCorkle, White, Mayor Drake
Noes: None
Present but not voting: Councilman Long

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 Johnson, carried by the following vote:

Ayes: Councilmen Johnson, MacCorkle, White, Mayor Drake
Noes: None
Present but not voting: Councilman Long

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

Ayes: Councilmen Johnson, MacCorkle, White, Mayor Drake
Noes: None
Present but not voting: Councilman Long

The Mayor announced that the ordinance had been finally passed.

The City Manager submitted the following tabulations:

SUBJECT: BIDS FOR CONTRACTS ON GASOLINE OILS, GREASES, ETC.,
For twelve months period - Oct. 1, 1951, through Sept. 30, 1952

Attached are subject bids and tabulations.

Below are given the three low bidders in each division. The oils and greases are based on estimated twelve months figures as given on our invitation to bid. Unit figures on the Regular Gasoline, Diesel Fuel, and Kerosene definitely showed the low bidder.

1. <u>REGULAR GASOLINE</u> (4 bidders)	Jack Ritter	Gulf Oil Co.	Magnolia Pet.Co.
	\$57,020.00	\$61,562.65	\$62,184.59
2. <u>DIESEL FUEL OIL</u> (5 bidders)	Jack Ritter	Heffington Pet	Magnolia Pet.Co. & all others
	\$ 3,593.70	\$ 3,613.50	\$ 3,894.00
3. <u>KEROSENE</u> (5 bidders)		Heffington Pet.	Magnolia Pet.Co. & all others
		\$ 3,450.00	\$ 3,840.00
4. <u>LUBE OILS & GREASES</u> (6 bidders)	Humble Oil Co.	Texas Co.	Gulf Oil Co.
	\$ 8,356.33	\$ 8,665.77	\$ 8,907.40

Jack Ritter has had the contract on regular gasoline for the past twelve months, and his product and service have been entirely satisfactory.

Heffington Petroleum Company has had the contract on Kerosene for the past twelve months and their product and service have been entirely satisfactory.

Humble Oil Company is low bidder on the lube oils and greases and since Humble Company is a responsible company, it is respectfully recommended that Humble be awarded the contract for lube oils and greases; tests will be made on the Humble products.

It is also recommended that the contracts be placed in all cases to the low bidders in the respective classifications, namely:

Regular Gasoline	Jack Ritter, Inc.
Diesel Fuel Oil	Jack Ritter, Inc.
Kerosene	Heffington Petroleum Company
Lube Oils & Greases	Humble Oil Company

O. G. BRUSH
Purchasing Agent

P. S. The test on Humble Oils and Greases have just been received from Trinity Testing Laboratory. We have checked these over together with Mr. Kinney, and they meet our specifications.

APPROVED AND RECOMMENDED:

(Sgd) W. E. Seaholm
W. E. SEAHOLM
City Manager

Councilman Long moved that the low bidder be awarded the contract in each case, and the City Manager authorized to enter into a contract with JACK RITTER for the purchase of regular gasoline and diesel fuel oil; with HEFFINGTON PETROLEUM COMPANY for the purchase of kerosene; and with HUMBLE OIL COMPANY for the purchase of lubricating oils and greases for the twelve months period beginning October 1, 1951. The motion, seconded by Councilman MacCorkle, carried by the following vote:

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

Councilman White moved that the Council hold its regular meeting on Wednesday, November 21st, 1951, instead of November 22nd which is Thanksgiving. The motion, seconded by Councilman Johnson, carried by the following vote:

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

The Council noted the letter from MR. CLINTON OWSLEY, employed as a rate consultant to study the request of the Southern Union Gas Company for increased rates, the letter stating he would be ready for a hearing on November 8th. Councilman Long moved that a public hearing in this matter be set for November 8, 1951, at 10:00 A.M. The motion, seconded by Councilman Johnson, carried by the following vote:

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

Councilman MacCorkle brought up a request of Mr. Gohlke for a street light at 5th and San Antonio. The City Manager stated previous checks had not indicated a need for a light at this location; but since the one-way streets had been placed into effect, it was found necessary to install a light on fifth at either San Antonio or Nueces, and this would be taken care of.

Discussion of the Charter Amendment Election was held. Councilman Long moved that the City Manager direct the City Attorney to draw up proposals to submit to the Council covering the following issues:

To permit the City to issue paving certificates to the City for reimbursement.

To provide for compensation for the Board of Equalization.

To amend Section 51, to permit women to vote.

To amend Section 13, pertaining to Nepotism.

To permit revenue bonds for revenue producing projects.

To provide that the Retirement Fund cannot be abolished without vote of the people.

To provide for the appointment of the City Attorney by the Council.

To provide for the appointment of the City Clerk by the Council.

To provide that the election date will be held the first Saturday in April instead of the first Monday in April.

To provide for elections to fill vacancies on the City Council.

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

Ayes: Councilmen Johnson (*) Long, White, Mayor Drake

Noes: None (*)

Absent: Councilman MacCorkle. (Councilman MacCorkle left the Council Room during the early discussion of the charter amendment proposals)

(*) Councilman Johnson went on record as not favoring the change of election date from Monday to Saturday.

Councilman White asked that a Charter Amendment be offered to amend Article 7, Section 6, to require only a majority of the Council instead of a four-fifths vote of the Council to create or abolish an office. Councilman Long expressed she was in favor of such amendment, but Councilman Johnson and Mayor Drake stated they were against it. Councilman MacCorkle not being in the room, left this as a tie vote.

Councilman Johnson moved that the following applications for change of zoning be set for public hearing at 11:00 A.M., November 21, 1951:

L. L. McCANDLESS	A tract of land 55' x 70' out of Lot 1 and Lot 8, Fairview Park, 1215 South Congress Avenue	From "C" Commercial To "C-1" Commercial RECOMMENDED by the Zoning Board of Adjustment
B. D. WATKINS	So. 80' of a .321-acre tract out of Lot 1, Mrs. Lou Hill subdivision 5312 Airport Blvd.	From "C" Commercial To "C-1" Commercial RECOMMENDED by the Board of Adjustment
JESSE B. CHRISNER	Lot 5, Lewis Hancock's Subdivision, 4204 Alice Avenue	From "A" Residence To "C" Commercial - NOT RECOMMENDED by the Zoning Board of Adjustment

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

Ayes: Councilmen Johnson, Long, White, Mayor Drake

Noes: None

Absent: Councilman MacCorkle

The Council received notice that the following applications had been referred to the Zoning Board of Adjustment by the City Manager:

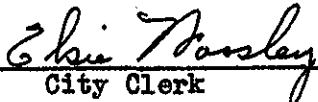
MRS. GERTRUDE JOHNSON & MRS. HELEN OLSEN	2504 Lake Austin Blvd. & 506 Hearn Street	From "A" Residence To "C" Commercial
V. G. and MARGARET OKIE	908-14 South Lamar	From "A" Residence To "C" Commercial

There being no further business, the Council adjourned at 12:45 P.M., subject to the call of the Mayor.

APPROVED: _____


Mayor

ATTEST:


City Clerk