

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 29, 1951
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Glass presiding.

Roll Call:

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

Present also: Walter E. Seaholm, City Manager; Trueman E. O'Quinn, City Attorney; C. G. Levander, Director of Public Works; R. D. Thorp, Chief of Police.

Councilman Johnson moved that since copies of the minutes of the last meeting of the City Council have been furnished Council members by the City Clerk, the reading of the minutes be dispensed with and that the minutes be adopted as read in the Clerk's report. Upon being duly seconded by Councilman Long, the motion was unanimously adopted by the Council and the minutes so approved.

Councilman Johnson moved that the penalty on taxes be deferred until the first of June as has been customary for several years past; the interest, however, not to be waived. The motion, seconded by Councilman Drake, carried by the following vote:

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

MRS. NORENE BECK, 2410 Wilson Street, presented a petition asking for sewerage facilities to serve the 300 block on ORLTORF; the 2400 block on DURWOOD STREET; the west side of WILSON from ORLTORF to CUMBERLAIN ROAD. MRS. LEWIS JOHN said they were building new houses in this area now that would have to be connected with septic tanks. The Director of Public Works told the group who appeared with Mrs. Beck that plans were under way now for this work and that sewers will be constructed this summer.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, H. P. Ross is the Contractor for the alteration of a building located at 207-11 Congress Avenue and desires a portion of the sidewalk and street space abutting Lot 3 and part of Lot 4, Block 18, of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefore, therefore

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

1. THAT space for the uses hereinabove enumerated be granted to said H. P. Ross, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the southwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of Congress Avenue to a point twelve feet west of the east curb line; thence in a northerly direction and parallel with the centerline of Congress Avenue approximately sixty feet to a point; thence in an easterly direction and at right angles to the centerline of Congress Avenue to the northwest corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said H. P. Ross, hereinafter termed "Contractor", upon the following express terms and conditions:

(1). That the Contractor shall construct a 4- foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2). That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3). That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4). That "No Parking" signs shall be placed on the street side of the barricades.

(5). That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

(6). That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(7). That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such stormwater.

(8). That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, redlights during all periods of darkness and provide lighting system for all tunnels.

(9). That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than August 1, 1951.

(10). That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11). That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12). That any public utility, or public or private property disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(13). That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

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

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

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the citizenship of Austin is singularly fortunate in having in this community the services of the Austin Cerebral Palsy Treatment Center where Austin's children of all colors and creeds who are afflicted with cerebral palsy receive, without any character of charge, skilled therapy, training and education which, in the case of most of such children, would be wholly unavailable except for this humanitarian institution; and

WHEREAS, the City of Austin has evidenced its interest in and support of this enterprise by providing the land and building therefor; and

WHEREAS, it is imperative that the services of the Center be continued on the high plane of excellence which has characterized its work to the present; and

WHEREAS, the Center is financed primarily by the Travis County Society for Crippled Children through its Easter seal campaign; and

WHEREAS, the citizen ship of Austin must respond more generously to the Easter seal campaign if the work of our Cerebral Palsy Center and the rehabilitation of our cerebral palsied children are to continue

Now therefore BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN that we express our confidence in and approval of the work of the Austin Cerebral Palsy Center and we hereby commend the Travis County Society for Crippled Children for the real and lasting contributions they are making to this community, and BE IT FURTHER RESOLVED that we hereby urge all of the people of Austin to contribute immediately to the continuation of this work by mailing today their contribution to the Cerebral Palsy Center, 919 West 28 $\frac{1}{2}$ Street, and BE IT FURTHER RESLOVED that we request our fellow citizens to visit the Center so that they may be acquainted with the notable work that is there being carried forward by the people of Austin for Austin's own children.

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

MR. TROXEL STEVENS, Willowbrook Drive, asked the Council to have the city property which runs along Boggy Creek cleaned out, as there were lots of weeds and debris. The City owns about 200 feet of land running about two or three blocks, this land having been dedicated for park purposes, utility and drainage purposes when the subdivision went in. Councilman Johnson moved that this matter be referred to the Director of Public Works. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes; None

MR. JAMES R. BROWN submitted the following petition signed by about 65 people protesting the erection of a power substation on the grounds of the Fire Hall at 10th and Blanco:

We, the undersigned home owners and residents of West Austin vigorously protest against the erection of a City Power Substation on the grounds of the Fire Hall at 10th and Blanco as a menace to the safety of our children, a public nuisance, and a detriment to the health and well being of all the people living within a radius of one mile of such proposed electric power plant.

Mr. Brown believed the deed was for building a fire station only and for no other purpose. He asked that since this sub-station was to furnish power for Lamar Boulevard, that it should be located on Lamar. The City Manager explained that this location was an ideal site to serve the area; and that the substation was not a hazard, as it would be enclosed with a 9' fence, with barbed wire on top. The hum from one of these substations cannot be heard 25 feet away; the appearance is attractive, and all the substations are landscaped. He explained what a substation was, and stated they were scattered in various residential sections of the city. He said they could not be detrimental to any section and they were safer than they were dangerous. MRS. BROWN suggested placing it in the part in the neighborhood. The City Manager stated substations had never been placed in playgrounds, and this was a matter of location and load center. The Mayor asked that this be looked into to see if another location could be found, and told the group they would let them know if another location could be found or if one could not be found.

With reference to the adoption of the resolution pertaining to the Austin Cerebral Palsy Center and the Travis County Society for Crippled Children, MR. HOWARD BARR, President of the Society, thanked the Council, told of the work that was being accomplished, and remarked that no money was going out of Austin, that Austin children were being treated with Austin money, and they needed about \$15,000.

The Mayor introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE MISSOURI-KANSAS-TEXAS RAILROAD COMPANY OF TEXAS TO CONSTRUCT, MAINTAIN AND OPERATE A RAILWAY PASSING TRACK IN, UPON, OVER AND ACROSS TILLERY STREET IN THE CITY OF AUSTIN, SUBJECT TO CERTAIN CONDITIONS; 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 MacCorkle, carried by the following vote:

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

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 MacCorkle, carried by the following vote:

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

The ordinance was read the third time and Councilman Long moved that it be finally passed and that the City Manager be instructed to see that the crossing at that point be improved and that improvements on other street crossings be made. The motion, seconded by Councilman MacCorkle, carried by the following vote:

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

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

The Council set a public hearing two weeks from this date, April 12th, 1951, on the Electric Code.

LT. BEVERLY LAWS presented the seventeen new patrolmen to the Council.

With reference to a resolution asking the Legislature to pass House Bill 669, the Council held a discussion as to whether or not this bill would cause an increase in gas rates. Councilman Long did not think this would raise the gas rates, unless the gate rate were changed; and as Texas was paying a cent more than other states, she did not think the gate rate would be affected. It would have to go before the Railroad Commission and then come before the Council. Councilman MacCorkle inquired if all cities were behind this bill. Councilman Drake questioned the policy of the Council taking part in State Legislation, as the citizens had also elected their state officials for that purpose. Councilman Long thought the City Council should keep up with bills pending in the Legislature and oppose any that would be detrimental to the city and endorse those that would help. Councilman Johnson favored taxing out-of-state business, but in turn did not want the citizens to have to pay an increased rate. Mayor Glass felt the State should not interfere with cities' business and visa versa; did not think the State should fix salaries of city employees unless the money was provided to pay them. He did not want Austin to be on the dole, and would like for Austin to stand on its own feet. After discussion, 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 provisions of House Bill 669 by Representative Sewell, now pending in the Texas State Legislature, be and the same are hereby endorsed as a meritorious tax on gas pipe lines which, if enacted into law, will result in substantial revenue benefits to the cities of this State, and for the school systems of the various localities; and

BE IT FURTHER RESOLVED:

That this Resolution shall constitute the request of the City Council that the Legislature pass House Bill 669 at its present session.

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

The City Manager submitted the following memorandum from MR. E. D. WINGTON, OFFICE MANAGER, WATER AND LIGHT DEPARTMENT:

March 28, 1951

" SUBJECT: Name and location of Merchants recommended to operate Pay Stations for the Collection of Water & Light bills and compensation for the performance of his duties as such agent.

Freeman's Grocery & Market	2715 East 5th
Ritter Grocery Co.	1104 Manor Rd.
Swindle's Pharmacy	1012 West 6th
Yeates Drug Co.	1813 East 6th
	1815 East 12th

3¢ per bill for the first 500 bills collected.
 2¢ per bill for all remaining bills collected.

Payment for each months services to be made on or before the 10th day of the following month."

Councilman Long made inquiry about Tuckers Drug Store at Blanco and 6th; and this merchant was listed to be recommended.

Councilman MacCorkle moved that the above recommended merchants be accepted to operate Pay Stations for the Collection of Water & Light bills at the compensation set out. The motion, seconded by Councilman Drake, carried by the following vote:

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

The City Manager reported for the first month of collections at the substations, there were 3,000 customers; and that it looks as though there will be 3,600 customers for the second month.

VERA FLORES appeared before the Council regarding a fine she paid one night after being arrested. The Clerk of the Corporation Court explained if one plead guilty, rather than to make bond and come back to Court the next day, one could pay the fine at the time of arrest. VERA FLORES had misunderstood that she was pleading guilty. It was decided that she have a hearing before the Judge of the Corporation Court; and if she was not guilty, the fine could be refunded by Council authorization. The hour of hearing was set at 2:00 P.M. this date.

COUNCILMAN MacCORKLE lead a discussion about doing something to combat a crime wave in the State on a local level. He suggested the appointment of a committee that would meet at least once a month for hearings and for a study of the situation. Such a committee would build up public opinion and lend its backing to the law enforcement officials. MAYOR GLASS suggested checking with the TRAVIS COUNTY LAW ENFORCEMENT COMMISSION to see if it is still active. After discussion the Council asked the City Manager to meet with MR. NORTH MILLICAN and DISTRICT ATTORNEY BOB LONG, to see if this Commission is still active, and whether or not representatives from other groups should be added to the existing Commission.

COUNCILMAN LONG made inquiry about a letter received from MR. WATT SCHIEFFER concerning the right-of-way and drainage situation of his property on the Inter-regional Highway. The City Manager stated the Highway Department had made an agreement with Mr. Schieffer and had drawn the plans; and that he would meet with Mr. Schieffer and with the Highway Department and get all the facts and figures to submit to the Council.

MR. ARTHUR BAGBY appeared before the Council regarding the purchase by the City of the TRAVIS COUNTY WATER CONTROL IMPROVEMENT DISTRICT NO. 2 for \$200,000 stating it was worth quite a bit more; that it served 255 customers in the city and 500 in the district. He said his clients were agreeable to the trade; but since the City was buying the district at such a good price, they would like some concession in the water rate, and wanted to go on the regular city rate. The Mayor explained the charges made for the water districts, and explained why they could not expect city rates; that if changes were made for one district, they would have to apply generally to the other districts. The Council invited the group to meet with it at the group's convenience, either at a regular meeting or at a night meeting.

MR. CLARENCE McCULLOUGH asked that the Council make an explanation of the exchange of the property in the 600 Block of East 6th Street for the property at the rear of the City Hall on 9th and Colorado, as there was some misunderstanding and criticism. MAYOR GLASS stated he would have a statement for the press, as he felt everyone should have a thorough knowledge and understanding of the trade, of clearing the title of the property where the City Hall is now located.

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

DR. BEN HOLLAND		
PAUL MURCHISON		From "A" Residence
S. R. SHEPPARD	1201-05 W. 34th	To "C" Commercial
S. C. McINTOSH		
H. M. WEBB	1400 Blk. Anderson Lane	From "A" Residence
		To "D" Industrial

There being no further business, the Council adjourned at 12:05, subject to the call of the Mayor.

APPROVED

Taylor B. Lass
Mayor

ATTEST:

Elise Woodley
City Clerk