

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 24, 1955
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor McAden presiding.

Roll Call:

Present: Councilman Long, Thompson, White, Mayor McAden
Absent: Councilman Pearson

Present also: W. T. Williams, Jr., City Manager; Doren Eskew, City Attorney; C. G. Levander, Director of Public Works.

Invocation was delivered by REV. C. L. DICKEY, St. Andrew's Presbyterian Church.

Pledge of Allegiance to the Flag.

Councilman Pearson was absent as he was out of the City.

Councilman White moved that the Minutes of the Regular Meeting of February 17th, and the Executive Meeting of February 9th, 1955, be approved. The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Thompson, White, Mayor McAden
Noes: None
Absent: Councilman Pearson

The Mayor, bringing up the matter of dedication of park land out of the Austin Memorial Park, stated it had been suggested that the group take an excursion out there with the Recreation Director, and go over the property. Councilman Thompson suggested asking the group if that was satisfactory, and it was discovered that the group wanted to hold the public hearing in the Council room at this particular time. MR. W. S. BIRDWELL, JR., stated the City acquired this Memorial Park in 1941, deeded and dedicated for cemetery purposes, and the city agreed to hold this in trust, and the Rules and Regulations as adopted include this provision. Another rule expressly prohibits loud and boisterous noises. He stated there was a state law that prohibited use of cemetery land for anything else but cemetery uses. He stated there were many people that would like to express their opinion on this proposition. MR. SAM COOK did not think the fact that the City was losing money on the

cemetery by either inefficient operation, or by not charging enough for the services rendered, was valid or reason to make this land into park land. He did not favor a playground in this location. MR. JACK CORLEY suggested instead of giving this land away as park land, to, as provided in Article 2 of the Rules and Regulations pertaining to perpetual maintenance, expand this cemetery into a modern cemetery and apply modern business principles to the operation of it. Service charges and sale of lots are less than one-half prices charged by other cemetery operations. He believed this 29 acres, properly developed and proper charges made, would represent over two million dollars to the City. MR. FRED MATHIS, Principal of Highland Park School, believed some day the cemetery would have to locate to another area; but as a park, dedicated to Recreational purposes to young people, it could be used from now on. He believed there were 5000 young people under 18 that need park facilities in this area right now. This area would be within one mile of 5,000 young people. MR. CURLEY, in the monumental business, objected to the park fearing grouping of the young people would add to vandalism in the cemeteries. Another objection was that at present the City was filling in the ravines from the grave spaces; and it would cost more to have the city haul gravel at greater distances. Suggested that the playground be located elsewhere. MR. JIM CLAY stated that the Funeral Home Directors had sent out letters to those having had burials in the Memorial Park last year, numbering 319, and there were 272 replies, all objecting the proposed playground. Not one letter approving was received. Listing the main objections of those replying, he named (1) fear of increase vandalism; (2) elements of noise coming from the playground to the cemetery, and (3) people going to visit in the Cemetery do not want to be interrupted. MRS. C. B. LYNN asked that Memorial Park be left as it was intended and find another location for the park. MR. JOE MANOR stated a request had been made to the City to raise the prices for the lots in the Cemetery to reduce the operating losses, and he stated the need for the cemetery. He suggested another location for the playground on the back end of the property across Northland Drive from the Cemetery the property being owned by Mr. Bullard. He believed the Cemetery property when sold off in lots would bring in \$2,610,000, and he believed that would be very expensive park property, and not a good business deal. Councilman Thompson believed the Council would soon get a recommendation on raising the fees and charges. Councilman White stated he was in favor of a park in north-west Austin as it was badly needed there, and was glad to have a recommendation from Mr. Manor of other land that might be available out there, and he was also glad to have the people on both sides come up. MRS. CHILDRESS stated she would rather move her husband from the cemetery than to have their lot located so close to a playground. She complained of vandalism in the cemetery. Councilman Thompson believed this vandalism could be handled by watchmen being placed in the Cemeteries, and he noted this would increase the Police Department and the general expenditures of the city. MRS. JAMES did not believe the young people were the source of vandalism. MRS. GEO. H. HARRINGTON asked the Council to keep faith with the people and not place the playground there. MRS. DRAKE did not think the playground would desecrate the cemetery. MRS. E. W. PETERS and MRS. FRANK LAWS asked that the Cemetery Park be continued as such and not as a playground. MR. ADOLPH HOHERTZ, 4703 Eilers, expressed opposition to the playground near the cemetery, and suggested it be located elsewhere. He noted there were some 500 veterans in Memorial Park. MRS. WESLEY DIVER believed it was not the children that were pilfering the cemeteries, but older people. MR. BILL GAINER reported two cases of pilfering, one by a 35-year old woman, and the other by a 40 year person, and he did not think the playground in the proximity of the cemetery would have anything to do with vandalism.

MRS. MOORE believed the land was bought in the first place for a cemetery and thought it should be kept that way. MR. ARTHUR FEHR was interested in the proper land use, and noted this land in question was still in the rough. He saw no objections to making a park in the area. MR. JACK SWENSON favored the park in the area, as the land in question was not suited for cemetery purposes, and he believed the park development would even add beauty to the Memorial Park, with fences, etc. MR. GEORGE SHEPHERD, land planner, gave statistics on the territory and the number of burials over a 10 year period; and that taking the proposed park land off from the total amount, there would still be enough cemetery land to last 298 years. He listed revenues received and operating expenses of the cemetery. He favored the park being established. MR. GENE ALVIS explained the development and believed that if the opponents could see the proposed development they would have no objections. He asked the Council to dedicate it for park purposes. Mr. John Adrian asked that the Cemetery be used for the purposes it was purchased. The Director of Recreation showed the plans for the park. Councilman Thompson read a letter of protest from MR. and MRS. C. E. CHRISTIANSON. Councilman Thompson (in answer to request that the matter be submitted to the people) was not in favor of including this in the election, as the Council was responsible for studying the problem and looking at it from all the different aspects. Councilman Long neither was in favor of that, although she pointed out the provision in the Charter for initiative petition. She stated that there were several points she wanted to study and get cleared up. MR. J. L. POHMAN, Highland Park Civic Club, spoke for the park; also Mr. D. D. Johnson. Councilman Long noted ten telephone calls in protest to the park. Councilman Thompson suggested since there was not a full Council present, that the matter be delayed until the following week, at which time he was going to suggest that it be referred to the Plan Commission for study. The Mayor differed on that, but announced that action would be deferred until the following week. The Council arranged a meeting for the group and Mr. Sheffield to go over this area at 3:00 P.M., Monday, February 28th.

Pursuant to published notice thereof the following zoning application was publicly heard:

KATHLEEN WALSH BELSHAN,	3711-3721 Bonnie Road	From "A" Residence
KATHLEEN B. FULLER,	1507-1511 Scenic Drive	1st Hgt. & Area
EDWARD J. BELSHAN &		To "BB" Residence
A. J. FULLER		1st Hgt. & Area
		RECOMMENDED by the
		Planning Commission

The Mayor asked those who wished to uphold the recommendation of the Plan Commission to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilmen Long, Thompson, White, Mayor McAden
Noes: None
Absent: Councilman Pearson

The Mayor announced that the change had been granted to "BB" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

The Council set the following zoning application for public hearing on March 17th:

DR. C. H. ROPER

2316-18 Euclid &
200-202 Oltorf

From "A" Residence 1st
Height and Area
To "B" Residence 2nd
Height and Area
RECOMMENDED "B" Residence
2nd Height and Area
By the Plan Commission

The Council had before it the ordinance calling the election. Councilman Long moved that the Polling Place for Precinct 233 be established as the GRACE NAZARENE CHURCH. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Thompson, White, Mayor McAden
Noes: None
Absent: Councilman Pearson

Councilman Thompson moved that the Polling Place for Precinct 323 be set for the JERRY JOSLIN SCHOOL, 4500 Manchaca Road. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Thompson, White, Mayor McAden
Noes: Councilman Long
Absent: Councilman Pearson

Councilman Thompson moved that the Polling Place for Precinct 226 be established as TARRYTOWN FIRE STATION. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Thompson, White, Mayor McAden
Noes: None
Absent: Councilman Pearson

Mayor McAden introduced the following ordinance as amended:

AN ORDINANCE ORDERING A GENERAL ELECTION TO
BE HELD APRIL 2, 1955, FOR THE PURPOSE OF
ELECTING FIVE COUNCILMEN OF THE CITY OF
AUSTIN FOR A TERM OF TWO YEARS BEGINNING
MAY 15, 1955; DESIGNATING THE POLLING
PLACES IN THE VARIOUS WARDS; AND PROVIDING
THE PROCLAMATION OF SAID ELECTION; AND
DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White 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 Long, Thompson, White, Mayor McAden
Noes: None
Absent: Councilman Pearson

The ordinance was read the second time and Councilman White 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 Long, Thompson, White, Mayor McAden
 Noes: None
 Absent: Councilman Pearson

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

Ayes: Councilmen Long, Thompson, White, Mayor McAden
 Noes: None
 Absent: Councilman Pearson

The Mayor announced that the ordinance had been finally passed.

The City Manager submitted the following:

"General invitation to bid was extended and sealed bids were received on the purchase of five police cars for the City of Austin. A complete tabulation of bids is as follows:

	Harry Kelly (Plymouth)	C.B. Smith (Plymouth)	Swearingen- Armstrong (Ford)	Capitol Chevrolet (Chevrolet)
5 New Cars	\$8,586.55	\$8,151.55	\$7,420.00	\$9,389.05
4 trade-ins	<u>700.</u>	<u>985.</u>	<u>840.</u>	<u>1,800.</u>
NET PRICE	\$7,886.55	\$7,266.55	\$6,580.00	\$7,589.05

"It is recommended that the low bidder, Swearingen-Armstrong on Ford cars, be awarded the contract.

"WTW, Jr."

Councilman Thompson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on December 7, 1954, for the purchase of five automobiles for use by the Police Department of the City of Austin, Texas; and,

WHEREAS, the bid of Swearingen-Armstrong in the sum of \$6,580.00 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Chief of Police of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Swearingen-Armstrong in the sum of \$6,580.00 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the

City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Swearingen-Armstrong for the purchase of five new Ford automobiles.

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

Ayes: Councilmen Long, Thompson, White, Mayor McAden

Noes: None

Absent: Councilman Pearson

No action was taken on awarding the contract for brass goods to HAYS MFG. COMPANY as Councilmen Long and Thompson wanted further information from the water department.

Councilman Thompson 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 as a filling station site the property located on the east side of Burnet Road, south of Northland Drive which property fronts 189.6 feet on Burnet Road and being known as Lots 5 and 6, Block 1, Broadacres Addition in the City of Austin, Travis County, Texas, and hereby authorizes the said Magnolia Petroleum Company to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same being constructed in compliance with all ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted 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 Magnolia Petroleum Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"February 24, 1955

"Mr. W. T. Williams, Jr.
Acting City Manager
Austin, Texas

"Dear Sir:

"We, the undersigned, have considered the application of the Magnolia Petroleum Company for permission to construct, maintain, and operate a drive-in gasoline filling station and to construct, commercial driveways in conjunction therewith upon the property located on the east side of Burnet Road, south of

Northland Drive, which property fronts 189.6 feet on Burnet Road and being known as Lots 5 and 6, Block 1, Broadacres Addition in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Magnolia Petroleum Company and we hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

"All drainage, natural or otherwise, from this filling station is to be disposed of in such a manner that such drainage will not flow across the sidewalk area into the street and furthermore, shall not create a nuisance to others in the neighborhood and it is understood that the disposal of such drainage shall be entirely the responsibility of the property owner. Any waste connection to a storm sewer which empties into an open drainageway shall be discontinued if the waste becomes a nuisance or damages any property or rights of others in the vicinity of the open drainageway.

"We recommend that the Magnolia Petroleum Company be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the following conditions.

"(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

"(2) That only underground tanks shall be used and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street or alley.

"(3) That the gasoline tanks, pumps, and all equipment used in connection with the storage and handling of gasoline shall be an approved type and shall bear the label of Underwriters Laboratories, Inc. and that all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accordance with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

"(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2 - H - 146.

"(5) That all filling station improvements, pump islands, driveways,

ramps, gutters, sidewalks and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the Department of Public Works file number 2 - C - 1763.

"(6) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2 - C - 1763 and shall be of the pre-moulded type.

"(7) When the owner considers that he has complied with all the requirements of the City of Austin for filling stations, he shall apply for a final inspection and upon approval, the Building Inspector shall issue a Certification of Operation before such filling station can be put into service.

"Respectfully submitted,
"(Sgd) C. G. Levander
Director of Public Works
"(Sgd) J. C. Eckert
Building Inspector"

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Thompson, White, Mayor McAden
Noes: None
Absent: Councilman Pearson

The City Manager submitted the following:

"Memorandum to: W. T. Williams, Jr., Acting City Manager
Memorandum from: C. G. Levander, Director of Public Works

"Subject: Proposed Gauging Station in Waller Creek North of 38th Street.

"For the past two years I have been discussing with Mr. Trigg Twichell, District Engineer, U.S. Geological Survey, the possibility of installing a gauging station on one of our creeks in co-operation with them. For the past two years, I have included an item of \$1,000.00 in our Engineering Division budget for the purpose of paying for our portion of the expense.

"Mr. Twichell is ready to proceed with the installation of this station and has suggested that it be located on Waller Creek about 150 feet upstream from the 38th Street bridge, in Hancock Park. I have discussed this matter with Beverly Sheffield, and he agrees that this installation will in no way affect their park activities.

"I have wanted an installation of this sort for many years for the purpose of gathering accurate information on the flow of water in Waller Creek. This information will be extremely valuable to us in our storm sewer designs.

"The U. S. Weather Bureau will also co-operate in this venture by furnishing accurate rainfall data in the Waller Creek drainage area from rain gauges which are now in operation or are being planned.

"The University of Texas is co-operating for the reason that the installation itself and the data obtained will be extremely helpful to them in teaching storm sewer design and related subjects.

"I would appreciate your approval of this project and your presenting it to the Council for their approval..

"Recommended: W.T.W., Jr., City Manager"

Councilman White moved that the recommendation of the City Manager be accepted and the proposed Gauging Station be located in Waller Creek North of 38th Street. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Thompson, White, Mayor McAden
Noes: None
Absent: Councilman Pearson

The City Manager submitted the following:

"General invitation to bid was extended and sealed bids were received until February 1, 1955, and at that time opened and tabulated. The attached tabulation shows Capitol Linen Service to be low bidder for furnishing Beef Shrouds, Butchers Coats, and Towels.

"I recommend contract be awarded to Capitol Linen Service from period April 1, 1955, to March 31, 1956.

"WTW, Jr.

"Tabulation Attached

"CONTRACT FOR FURNISHING LINEN SERVICE TO MUNICIPAL ABATTOIR

(CONSISTING OF BEEF SHROUDS, BUTCHERS COATS AND TOWELS)

CAPITOL LINEN SERVICE	MARTIN LINEN SERVICE	AUSTIN LINEN SERVICE
<u>\$6,166.00</u>	\$9,895.00	\$6,741.00

"ALL FIGURES SHOWN ARE NET TOTALS.

"RECOMMEND AWARD TO LOW BIDDER.

"FOR COMPARISON PRESENT 1954 UNIT PRICES ARE GIVEN BELOW AND LOW UNIT PRICES BID FOR 1955 CONTRACT.

	QUANTITY	UNIT COST 1954	UNIT COST 1955 LOW BID
BEEF SHROUDS	90,000	.07 each	.06 each
BUTCHERS COATS	2,500	.35 each	.30 each
TOWELS	400	.05 each	.04 each

"A TOTAL SAVING OF \$1019.00 ON 1955 CONTRACT OVER 1954."

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on February 1, 1955, for linen service for the Municipal Abattoir for one year contract from April 1, 1955 to March 31, 1956; and,

WHEREAS, the bid of Capitol Linen Service in the sum of \$6,166.00 was the lowest and best bid therefor, and the acceptance of such bid has been

recommended by the Purchasing Agent 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 Capitol Linen Service in the sum of \$6,166.00 be and the same is hereby accepted, and W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Capitol Linen Service.

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

Ayes: Councilmen Long, Thompson, White, Mayor McAden

Noes: None

Absent: Councilman Pearson

The Mayor asked about the study made by the Traffic Engineer on left turns on South Congress at Oltorf, Live Oak, and Academy Drive. The City Manager stated this was in process, and conferences were being held with the property owners on the street.

The Mayor stated that Judge Tom Johnson had inquired about the two-nickle parking meters at the Court House. The City Manager stated the meters were on order but had not been delivered, and that he would write the Company to check into the matter.

The Mayor inquired about the traffic lights on Windsor and Exposition, and 35th and Jefferson, and asked that this be looked into.

Councilman White stated he believed the Council would get the list of city-owned property in about 10 days.

Councilman Thompson inquired about the survey on fees and fines and prices on cemeteries. Mr. Blodgett stated information had been gathered about 18 months ago, and might be out of date now. The City Manager stated the scope was pretty big, and asked if it would be a better approach to bring in activities one at a time. Councilman White stated he had been aware of the cemetery matter; that he and Mr. Pearson and the Mayor had had a meeting with the City Manager. Councilman Thompson asked if the City Manager could get this information and report back to the Council on the cemetery operations. It was decided that the information and report could be available on March 24th.

Councilman Long read H.B. 464 by Representative Murphy, which would provide for allocation of funds from the Clearance Fund to a Municipal Streets Fund of the State Highway Department. (House Bill No. 464 on file under LEGISLATION) After discussion, Councilman Long moved that the Council go on record as approving this bill, and that a resolution be sent to our representatives and senator and to the author of the Bill, approving it. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Thompson, White, Mayor McAden

Noes: None

Absent: Councilman Pearson

Councilman White moved that MR. C. G. LEVANDER be commended for the 25 or 30 years he has been with the City of Austin and for the fine work he has done. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Thompson, White, Mayor McAden
Noes: None
Absent: Councilman Pearson

The City Manager explained a problem that had arisen to a property owner on the Interregional Highway right-of-way south of the river, in which the road was cut deep, and there is a deep approach to his property--deeper than was anticipated. The Parkinsons feel that they were mistreated some, and asked if the City could put in a driveway that would take care of this. The City Manager explained the agreement that the City had regarding a driveway, but it would not serve the purpose. Councilman Long moved that the City Manager be instructed to work out a suitable access for these people. The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Thompson, White, Mayor McAden
Noes: None
Absent: Councilman Pearson

Councilman White moved that MR. CHARLES BURTON be appointed on the Planning Commission to fill the unexpired term of MR. HOMER STANFORD, resigned. The motion, seconded by Councilman Thompson, carried by the following vote:

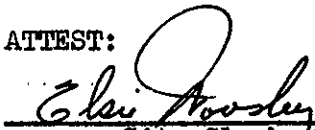
Ayes: Councilmen Long, Thompson, White, Mayor McAden
Noes: None
Absent: Councilman Pearson

Councilman Long stated there were three matters she would like to have brought before the Council next week: (1) the fire works ordinance; (2) the dog ordinance; and (3) the acceptance or rejection of the revised budget offered by the Recreation Department. Councilman Long asked that the Council have the old fireworks ordinance that was repealed sent out to them.

The City Manager submitted a report on the enforcement of the dog ordinance as made by Chief Thorp.

There being no further business the Council adjourned at 1:25 P.M. subject to the call of the Mayor.

ATTEST:


City Clerk

APPROVED


Mayor