

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 2, 1953  
10:00 AM

Council Chamber, City Hall

The meeting was called to order with Mayor McAden presiding.

## Roll Call:

Present: Councilmen Long, Pearson, Thompson, White, Mayor McAden  
Absent: None

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

DR. FREDERICK BROOKS delivered the Invocation.

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

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

MR. KENT RIDER returned to the Council asking that something be done for WILSHIRE BOULEVARD PARK; that the supervisor had been taken away, and the benches and tables placed out there two weeks ago had been removed. He could not understand why Brentwood, a new subdivision in 1947 and Violet Crown a subdivision in 1949, had beautiful park facilities in 1953; while this older area with higher value on its property did not have the recreational facilities. Councilman Pearson stated he had gone over this property, and felt a lot had been done out there, and that water lines will be put in; that it is to be sodded and a nice ball park made; and that it was hoped to have it in full operation by next season. Councilman Pearson asked if he felt it was taking shape now so that it could be finished by next season as planned. Mr. Rider stated that he did. The Director of Recreation

outlined the program in that there was more money set up for this park than any other right now; but due to construction this year's program had been slowed down. The Supervisor was removed as it was not felt enough service could be given with the park in its present condition of being under construction. He explained that the Church had worked with the Recreation Department in sharing its facilities; but at this time it was found they could no longer cooperate as much as they had been in the past. Councilman Thompson inquired why one park was developed before another. It was explained the Brentwood area was in better condition to begin with; and the construction of the school made it easier to develop this park; the Patterson Park was dependent upon the fill from the Interregional Highway. Councilman Long inquired if there could be any type of program carried on for the rest of the summer. Councilman Thompson suggested that Mr. Sheffield talk with the people in that area and see if anything can be worked out for the rest of the summer.

MR. CHARLES BURTON appeared in the interest of the Fire Prevention Ordinance. He explained Austin's key rate of 17 and good fire record credit of 5, comparing the credit to other cities who had 15, 20, 10, 5, and 0. MR. BURTON felt that cutting down fire losses, the loss ratio would be a step in that direction. He suggested this might help to get the clause reinstated giving credit for fire extinguishers on a reduction in insurance rate. MR. EUGENE SANDERS spoke in favor of the ordinance. In Mr. Sander's defense of the fire prevention ordinance, he mentioned how this ordinance might offer some protection in Brackenridge Hospital. Councilman Long inquired of the safety of the hospital and if it were a fire trap and not adequately protected. The Fire Marshall stated the ordinance would not affect the Hospital as it was already equipped to meet the requirements. Councilman Thompson, too, had the impression that Mr. Sanders thought the Hospital was not equipped adequately. Mr. Sanders clarified his statement in that the hospital was not a fire-resisting building; but as far as fire extinguishers were concerned, it was equipped. Councilman White and the Mayor were concerned over the possibility of installing springling systems at least in the new part. MR. M. H. CROCKETT spoke against the ordinance. MR. ASHLEY did not favor the ordinance. MR. ROY LANE felt like this ordinance would be insufficient, as if extinguishers were placed in residences, people would not know how to use them or would not use them. MR. HEATON favored the ordinance. MR. ED LOREY opposed the ordinance as written and submitted the following changes for consideration:

1. Clearer definitions - Page 3; Page 4, as pertains to parking areas, service stations, public halls.
2. Page 2, Section 2, line 6 "...the Fire Marshall shall RECOMMEND suitable fire appliances..." rather than "DESIGNATE".
3. At the bottom of page 2 "...chemical extinguishers of a type TO COMPLY WITH FIRST AID" instead of SUITABLE. This would be as recommended by National Fire Protective Association.
4. Page 3, last word on 4th line "...suitable fire appliances or equivalent RECOMMENDED by the Fire Marshall" instead of "ORDERED".

(Discussion as to matter of enforcement if change in wording were made)

5. Page 3 - next to last line study of the word "capable" in the line "....shall mean any fire extinguisher capable of extinguishing the class of fire."

(In discussion, the Fire Marshall stated "class" was the key word. Suggested that the City Attorney clarify this if necessary.)

6. Page 4 - Parking areas should have area in square footage given. No. 7 on Page 4 - Educational institutions, etc., as to Fire Marshall's authority on University Schools, public schools, etc. Under 8c, instead of "one suitable extinguisher" he suggested "or equivalent"
7. Page 5, 11. "Like establishments should be defined. 11a - Discussion of size of extinguishers - Mr. Lorey had wrong copy of ordinance and the one as written pertaining to size was agreeable. Under 12 - Lumber Yards, Mr. Lorey questioned the word "sufficient number of hydrants", the number to be left up for one man to decide. Discussion showed this would not affect any lumber yard now in existence, but would apply on others to be constructed, as lumber yards now already meet the requirements. Mr. Lorey felt that extinguishers should be required even though establishments had the sprinkler systems. Item 14 covered this, it was brought out. It was suggested that "lumber yards" be added in Item 14, after "retreading plants". "Flame proofing" was mentioned with regard to Item 13. It was stated this would be covered under another ordinance.
8. Page 7(f) "SHALL be the duty of the owner..." Shall is mandatory. Churches are not included in the places of assembly.
9. Page 7, SECTION 3. This should apply to new building also, according to Mr. Lorey. Mr. Burton felt it would over burden the Fire Marshall's Office. SECTION 4. FEANLTIES. Mr. Lorey felt there was no appeal for owners or occupants from the Fire Marshall's decision. This was explained by the City Attorney to Mr. Lorey's satisfaction.
10. ARTICLE II, Sec. 1 - \$15.00 fee and \$1,000.00 bond. This was explained to Mr. Lorey by City Attorneys, that local men would be protected by this provision.
11. Page 10. Pertaining to revoking the license. It was agreed that a definite time limit be set for the Council to hear and take action on an appeal. It was decided that 30 days from the date of appeal would be appropriate. The City Attorney explained that the bond would not be forfeited if there was an appeal before the Council.

MR. FRANK MONTGOMERY, Austin Real Estate Board, asked that no action on this ordinance be taken at this time, as there was a question of not having proper notice for people that would be involved, such as the property owners or lessees and that the Board had not had time to present its arguments. It was noted that much publicity had been given this hearing, Councilman Long moved that another hearing on the Ordinance be held on July 16th. The motion, seconded by Councilman Thompson, carried by the following vote:

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

Councilman Pearson suggested that the Real Estate Board get their recommendations together in writing. It was suggested that the changes just submitted be indicated on copies of the ordinance for the Council.

The City Manager submitted a request for the purchase of City property on the corner of old 19th street and Lamar Boulevard, Lot 22, for \$2,500.00. No action was taken as the Council wanted to look at the property involved.

Councilman Thompson inquired about the ordinance requiring subdividers to pave streets in their subdivisions, as there were a lot of subdivision applications on file. The City Manager stated the proposed ordinance was ready and had been sent to the Planning Commission, and the Council would be furnished copies for study.

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

NELSON PUETT & W. W. WHITE	1605-07 West 35th Street	From "A" Residence To "C" Commercial
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MRS. CLARENCE H. MILLER ESTATE, & A. WAYNE PRICE ESTATE, By Jas. H. Hudson	606 West 32nd Street	From "A" Residence To "C" Commercial
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The Council noted the memorandum regarding parking prohibitions along West 34th Street one block east and west of Lamar. No action was taken on this at this time, and it will be considered next Thursday. (Memorandum from Traffic Engineer dated June 25, 1953, in re: PARKING PROHIBITIONS ALONG WEST 34TH STREET ONE BLOCK EAST AND WEST OF LAMAR BOULEVARD. On File under TRAFFIC.)

Councilman Long asked the City Manager to have the City Attorney draw up an ordinance redistricting the City, so that the ordinance could be passed and submitted to the County Commissioners Court. The Mayor stated Judge Johnson was going to get in touch with her. The City Manager stated he would get the Engineering Department started on drawing the field notes.

Councilman Long inquired about the status of the codifying of the ordinances. The City Manager stated it was hoped to get the building code under way before the condification job was completed, as it was a substantial document. The City Attorney stated the provisions of the codification were directory, and not mandatory, but that much time had been spent on it already.

Mayor McAden brought up the following ordinance for its third reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 9.30 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE ISAAC DECKER LEAGUE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN IN THE PARTICULARS STATED IN THE ORDINANCE.

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

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

The Mayor announced the ordinance had been finally passed.

Mayor McAden brought the following ordinance for its second reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF A TRACT OF LAND LYING PARTLY IN THE GEORGE W. SPEAR LEAGUE AND PARTLY IN THE GEORGE W. DAVIS SURVEY, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN THE PARTICULARS STATED IN THE ORDINANCE.

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

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain utility easement was reserved and dedicated to the public on a map or plat of Pemberton Heights, Section 2, a subdivision of a portion of the George W. Spear League in the City of Austin, Travis County, Texas, according to a map or plat of said Pemberton Heights, Section 2, of record in Book 3, page 223, Plat Records of Travis County, Texas; and,

WHEREAS, the easement rights so dedicated, and hereinafter described, are not now needed and hereafter will not be required; Now, Therefore,

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

That W. E. Seaholm, City Manager, be and he is hereby authorized to execute a release of the public utility easement described as follows:

A strip of land five (5') feet in width, same being the west five (5') feet of Lot 2, Block 9 of Pemberton Heights Section 2, a subdivision of a portion of the George W. Spear League in the City of Austin, Travis County, Texas, according to a map or plat of said Pemberton Heights Section 2 of record in Book 3, page 223, Plat Records of Travis County, Texas.

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

The City Manager submitted the following:

"Following is a tabulation of the bids received at 10:00 A.M., Tuesday, June 30, 1953 for Widening of Guadalupe Street from West 24th Street to West 25th Street:

"Capital Construction Co.	\$ 3,963.18
Collins Construction Co.	4,346.66
John R. Andrews	4,779.58
Maufrais Brothers, Inc.	4,875.48
City's Estimate	4,504.66

"Capital Construction Company is low bidder on the above project and I recommend that they be awarded the contract."

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on June 30, 1953, the City of Austin received bids for the widening of Guadalupe Street from West 24th Street to West 25th Street; and,

WHEREAS, the bid of Capital Construction Company in the sum of \$3,963.18 was the lowest and best bid therefor, 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 Capital Construction Company in the sum of \$3,963.18 be and the same is hereby accepted, and W. E. Seaholm, City Manager of the City of Austin is hereby authorized and directed to execute a contract on behalf of the City of Austin with Capital Construction Company for the widening of Guadalupe Street from West 24th Street to West 25th Street.

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

The Council received the following:

"July 2, 1953

"To The City Council  
City of Austin, Texas

"Re: Completion and Acceptance of Work of  
Improving Lavaca Street from West 6th  
Street to West 6th Street Alley, being  
Unit 6 of Current Improvement Program.

"The work of improving Lavaca Street, from the north curb line of West 6th Street to the south curb line of West 6th Street Alley, known as Unit 6 in the current improvement program, has been performed and completed by John R. Andrews in full compliance with the Contract, and the Plans and Specifications therein contained, dated April 17, 1953, between the City of Austin and John R. Andrews.

"I have inspected, approved and accepted the work and improvements referred to, and I now recommend that the same be accepted and received by the City Council as having been performed and completed in compliance with the Contract, Plans and Specifications referred to above.

"Respectfully submitted,  
(Sgd) C. G. Levander  
Director of Public Works  
City of Austin, Texas"

Mayor McAden introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK  
OF IMPROVING LAVACA STREET, UNIT 6, IN THE CITY  
OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREBELOW  
DEFINED, PERFORMED BY JOHN ANDREWS, AUTHORIZING  
AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT  
CERTIFICATES IN CONNECTION THEREWITH; DECLARING  
AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE  
SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS  
PASSAGE.

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 Pearson, carried by the following vote:

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

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 Pearson, carried by the following vote:

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

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

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

The Mayor announced the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by resolution adopted on December 20, 1951, the Council authorized Daniel M. Brown as administrator of Brackenridge Hospital to execute applications to the United States of America for permits to use alcohol, free of tax; and

WHEREAS, since the resignation of Daniel M. Brown, as administrator, there has been no person duly authorized to execute such permits, Now, Therefore,


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

That Thomas Fourqurean, Administrator of Brackenridge Hospital, be and he is hereby authorized to execute in behalf of the City of Austin, applications to the United States of America, for permits to use alcohol, free of tax, in Brackenridge Hospital, a hospital owned and operated by the City of Austin in Austin, Texas.

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

There being no further business, the Council adjourned at 2:00 P.M. subject to the call of the Mayor.

APPROVED:

  
Mayor

ATTEST:

  
City Clerk