

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN TEXAS

Regular Meeting

May 19, 1949
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: Guiton Morgan, City Manager; Trueman E. O'Quinn, City Attorney; J. E. Motheral, Director of Public Works; and R. D. Thorp, Chief of Police.

The minutes of the previous meeting were read and approved.

Councilman Johnson moved that the following applications for changes in zoning be referred to the Zoning Board of Adjustment for consideration and recommendation:

| | | |
|---|--|-------------------|
| HORACE H. SHELTON For E. M. FRANKS & JOHN ROY JOHNSON | 1701-05 Blue Bonnet Lane 1911-13 Anita | From "A" to "C" |
| LAWRENCE OWENS | Lots 4 & 5, Blk. 1, Lot 1 Blk. 2, Owens Subd. No. 2 | From "A" to "C" |
| HENRY WENDLANDT for J. L. JOSEPH | 2308-2310 Leon Street | From "A" to "B-1" |

The motion carried by the following vote:

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

Public hearing on the following application was advertised for 11:00 A.M. this date:

| | | |
|--------------|--|---|
| DEE THOMPSON | Lots 17, 18, 19, 20, Block 8, The Highlands, located at 5012 and 5014 Caswell Avenue | From "A" Residential To "C" Commercial NOT Recommended by Zoning Board of Adjust- ment. |
|--------------|--|---|

Upon request of Mr. Thompson, this application for change of zoning was withdrawn.

Councilman Johnson moved that public hearings on zoning changes be heard the second and fourth Tuesdays of each month, beginning in July, instead of the first and third Tuesdays as previously voted. The motion carried by the following vote:

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

Councilman Long moved that public hearings on the following applications for change in zoning be set for June 21st, 1949, at 10:00 A.M.

| | | |
|----------------------------|---|---|
| THOMAS OWENS | Lots 3 & 4, Blk. 58, O.L. 24, Div. C., Christian & Fellman, 2411-2413 Cole Avenue | From "B" Residential To "C" Commercial Recommended by the Zoning Board of Adjustment. |
| MR. & MRS. C. H. WARNER | Lot 10, Block W., & Lot 24, Block X, Violet Crown Addition #2, 5900-5901 Woodrow OR 1308-1400 Koenig Lane | From "A" Residential To "C" Commercial NOT Recommended by the Zoning Board of Adjust- ment. |

The motion carried by the following vote:

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

Councilman MacCorkle moved that the following applications for Taxi-cab operators' licenses, duly approved by the City Manager, be granted:

| | |
|-------------------|--|
| JOHN ALVIN TEAGUE | 806 Jewell Street 1946 Chevrolet, 4-door sedan, Motor DAA296664, License No. KL 4418 |
| ETHEL L. HALTMAR | 3405 Gonzales Chevrolet 4-Door, 1948, Eng. No. FHC 241765, License No. 5078 |

The motion carried by the following vote:

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

Noes: None

Councilman MacCorkle moved that the following applications for Taxi-cab operators' licenses, duly approved by the City Manager, be granted a 90-day Probation permit:

LONNIE E. TRIPLET 2101 Parker Lane
(90-Day Probation) 1947 Plymouth, Sp. Deluxe, License K.K. 4316, Serial
No. 11815636, Motor No. P15-547997

DANIEL JOEL SCHEUMACK Rt. 5, Box 409
(90-Day Probation) 1949 Mercury, 4-Door, K.M. 508 - Motor No.

The motion carried by the following vote:

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

Noes: None

Councilman Drake moved that the following applications for Taxi-cab Drivers' permits, duly approved by the City Manager, be granted:

WILBUR LEE CRIDDLE (Col) 2000 Hamilton Street
TOMMY JOE HEPLER FPHA Dorm, F. University of Texas

The motion carried by the following vote:

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

Noes: None

Councilman Drake moved that the following application for Taxi-cab Driver permit, duly approved by the City Manager, be granted a 90-day Probation permit:

DANIEL JOEL SCHEUMACK Rt. 5, Box 409
(90-day Probation)

The motion carried by the following vote:

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

Noes: None

Moses Sampson (Col) appeared before the Council for reconsideration of his application to drive a taxicab, his application having been turned down due to numerous violations of the traffic laws. He claimed to be in ill health and unable to do heavy work. The City Manager arranged for a medical examination and medical care, if necessary, at the Brackenridge Hospital; Councilman Long moved that his request for reconsideration of his application be tabled, and that Moses Sampson report to the Brackenridge Hospital for medical attention with the view of regaining his health and following some other line of work other than that of driving a taxi-cab. The motion carried by the following vote:

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

Noes: None

Councilman Drake moved that the following application for Beer and Wine permit, duly approved by the City Manager, be granted:

MRS. L. ROWLETT, Maurine's Sandwich Shop, 819 Congress Avenue

The motion carried by the following vote:

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

Noes: None

Councilman Drake moved that the following application for Off-Premise Beer license, duly approved by the City Manager, be granted:

CARL ALVIN PACHARZINA, Pack's Bar-B-Q & Cut Rate Market, 405 Barton Springs Road

The motion carried by the following vote:

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

Noes: None

Councilman Johnson inquired as to the possibility of stricter regulation and control of wreckers. The City Manager stated a study was being made of this situation; and as soon as possible a report would be submitted to the Council giving all the facts and setting out recommendations.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service 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 Texas Public Service 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 EAST 53 $\frac{1}{2}$ STREET, from a point 301 feet west of Bennett Avenue westerly 90 feet, the centerline of which gas main shall be 7 $\frac{1}{2}$ feet south of and parallel to the north property line of said EAST 53 $\frac{1}{2}$ STREET.

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

(2) A gas main in SABINE STREET, from East 25th Street northerly 158 feet, the centerline of which gas main shall be 13 $\frac{1}{2}$ feet west of and parallel to the east property line of said SABINE STREET.

Said gas main described above shall have a cover of not less than 2½ feet.

The Texas Public Service 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 Texas Public Service Company required 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 Texas Public Service 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 carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacGorkle, Mayor Glass

Noes: None

Councilman Johnson offered the following resolution and moved its adoption

(RESOLUTION)

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

That the City Manager be, and he is hereby, authorized and directed to advertise for bids on the sale of bonds of the City of Austin at 10:00 A.M. June 9, 1949, which bonds were authorized for issuance by the electorate May 7, 1946, as follows:

| | |
|----------------------------------|-------------------|
| Airport Hangars and Improvements | \$ 50,000.00 |
| Public Free Schools | <u>750,000.00</u> |
| | \$ 800,000.00 |

Advertisement for such bids shall be in the usual and customary forms and shall be published at least once in a newspaper of general circulation published in the City of Austin and in The Bond Buyer. The right shall be reserved to the City of Austin to reject any and all bids, and advertisements shall direct the filing of sealed bids to be opened by the City Council at its regular meeting at the time and on the date set forth above.

The motion carried by the following vote:

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

Noes: None

The Mayor called up for its second reading, the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 8.35 ACRES OF LAND, SAME BEING OUT OF THE HENRY P. HILL LEAGUE, IN 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 second time, and Councilman Drake moved that it be passed to the third reading. The motion carried by the following vote:

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

Noes: None

Mayor Glass stated the canvas of the election returns of the election held on May 16, 1949 was completed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, an election was held in the City of Austin, Texas, on the 16th day of May, 1949, pursuant to an order made and entered by the City Council on April 20, 1949, at which election there were submitted to the qualified voters of said City for their action thereon the certain three (3) propositions to issue revenue bonds of the City of Austin for the respective purposes herein-after named, said bonds to bear interest at a rate not exceeding three per centum (3%) per annum, interest payable annually or semi-annually, and to mature not exceeding thirty (30) years from the date of said bonds, as may be determined by ordinance of the City Council, to wit:

PROPOSITION NO. 1

ELECTRIC PLANT AND SYSTEM

Shall the City Council of the City of Austin be authorized to issue revenue bonds of said City in the sum of Five Million Six Hundred Fifty Thousand Dollars (\$5,650,000.00) for the purpose of constructing improvements, enlargements, extensions and repairs to the electric light and power works and system of the City of Austin, said bonds to bear interest at a rate not exceeding three per centum (3%) per annum, interest payable annually or semi-annually and to mature

not exceeding thirty years from the date of said bonds, semi-annually or otherwise, as may be determined by ordinance of the City Council, such revenue bonds to be special obligations of the City of Austin, payable as to both principal and interest from, and secured by, an exclusive first lien on and pledge of the revenues of the combined electric light and power system, water system, and sewer system, after deduction of reasonable operation and maintenance expenses.

PROPOSITION NO. 2

WATER PLANT AND SYSTEM

Shall the City Council of the City of Austin be authorized to issue revenue bonds of said City in the sum of One Million Dollars (\$1,000,000.00) for the purpose of constructing improvements, enlargements, extensions, and repairs to the water works and system of the City of Austin, said bonds to bear interest at a rate not exceeding three per centum (3%) per annum, interest payable annually or semi-annually, and to mature not exceeding thirty years from the date of said bonds, semi-annually or otherwise, as may be determined by ordinance of the City Council, such revenue bonds to be special obligations of the City of Austin, payable as to both principal and interest from, and secured by, an exclusive first lien on and pledge of the revenues of the combined electric light and power system, water system, and sewer system, after deduction of reasonable operation and maintenance expenses.

PROPOSITION NO. 3

SANITARY SEWERAGE SYSTEM

Shall the City Council of the City of Austin be authorized to issue revenue bonds of the City of Austin in the sum of Five Hundred Thousand Dollars (\$500,000.00) for the purpose of constructing improvements, enlargements, extensions, and repairs to the sanitary sewers and sewer disposal plants of the sanitary sewer system of the City of Austin, said bonds to bear interest at a rate not exceeding three per centum (3%) per annum, interest payable annually or semi-annually or otherwise, as may be determined by ordinance of the City Council, such revenue bonds to be special obligations of the City of Austin, payable as to both principal and interest from, and secured by, an exclusive first lien on and pledge of the revenues of the combined electric light and power system, water system, and sewer system, after deduction of reasonable operation and maintenance expenses.

and,

WHEREAS, the City Council of the City of Austin has this day canvassed the official returns of said election as made and reported by the officers of said election of the various voting wards of said City and has found said returns to show the following results of said election:

| Ward | PROPOSITION 1. | | PROPOSITION 2. | | PROPOSITION 3 | |
|-------------|----------------|----------------|----------------|----------------|---------------|----------------|
| | <u>For</u> | <u>Against</u> | <u>For</u> | <u>Against</u> | <u>For</u> | <u>Against</u> |
| East First | 120 | 14 | 122 | 14 | 122 | 14 |
| West First | 114 | 6 | 113 | 6 | 111 | 7 |
| Second A | 22 | 2 | 23 | 1 | 22 | 2 |
| Second B | 61 | 2 | 62 | 2 | 62 | 2 |
| Second C | 124 | 7 | 124 | 7 | 124 | 7 |
| West Second | 80 | 9 | 79 | 9 | 78 | 8 |
| Third A | 58 | 5 | 58 | 4 | 58 | 4 |
| Third B | 48 | 8 | 48 | 8 | 48 | 8 |
| Third C | 120 | 14 | 120 | 14 | 120 | 13 |
| Third D | 82 | 11 | 81 | 14 | 82 | 12 |
| Fourth A | 53 | 2 | 53 | 2 | 53 | 2 |
| Fourth B | 49 | 4 | 49 | 4 | 49 | 4 |
| Fourth C | 85 | 11 | 86 | 9 | 87 | 8 |
| Fourth D | 86 | 6 | 86 | 6 | 86 | 6 |
| Fourth E | 99 | 14 | 99 | 13 | 99 | 13 |
| Fourth F | 58 | 7 | 58 | 7 | 58 | 7 |
| Fourth G | 87 | 3 | 86 | 3 | 86 | 3 |
| Fourth H | 98 | 10 | 98 | 10 | 98 | 10 |
| Fifth A | 58 | 5 | 59 | 5 | 59 | 3 |
| Fifth B | 113 | 13 | 114 | 12 | 113 | 12 |
| Fifth C | 49 | 5 | 51 | 4 | 52 | 3 |
| Fifth D | 22 | 1 | 22 | 1 | 22 | 1 |
| Sixth A | 57 | 5 | 55 | 5 | 58 | 5 |
| Sixth B | 33 | 0 | 33 | 0 | 33 | 0 |
| Sixth C | 37 | 1 | 36 | 1 | 37 | 1 |
| Sixth D | 17 | 2 | 17 | 2 | 17 | 2 |
| Seventh A | 35 | 8 | 35 | 8 | 36 | 7 |
| Seventh B | <u>112</u> | <u>12</u> | <u>112</u> | <u>11</u> | <u>113</u> | <u>11</u> |
| TOTAL | 1977 | 187 | 1979 | 182 | 1983 | 175 |

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That, as determined by said canvass of the returns of said election, the results of the special election of May 16, 1949, are declared to be that each and all of said three (3) propositions submitted received more than a majority of the affirmative votes of all the votes cast thereon at said election.

Which motion, carrying with it the adoption of the resolution, prevailed by the following vote:

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

Noes: None

The Mayor introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED:
 "AN ORDINANCE REGULATING THE OPERATION OF PRIVATE AND
 COMMERCIAL BOATS ON LAKE AUSTIN; DEFINING CERTAIN WORDS
 AND PHRASES; CREATING THE LAKE AUSTIN NAVIGATION BOARD
 FOR THE INSPECTION AND EXAMINATION OF BOATS AND COM-
 MERCIAL OPERATORS; CLASSIFYING MOTOR BOATS; REQUIRING

LICENSES FOR THE OPERATION OF COMMERCIAL AND PRIVATE BOATS; REQUIRING THE PAYMENT OF LICENSE FEES FOR COMMERCIAL CRAFTS; REQUIRING LICENSES FOR OPERATORS OF COMMERCIAL CRAFT; PROVIDING FOR THE REVOCATION OF LICENSES; PROVIDING FOR THE DESIGNATION OF COMMERCIAL DOCKS AND LANDINGS; REQUIRING IDENTIFICATION OF ALL BOATS; PRESCRIBING NAVIGATION RULES; PRESCRIBING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING A SAVING CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY," PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON FEBRUARY 2, 1940, AND APPEARING IN BOOK "K", AT PAGE 595 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 3 THEREOF SO AS TO CHANGE THE MAXIMUM LENGTH OF MOTOR BOATS IN CLASS II FROM SIXTY-FIVE (65) FEET TO SEVENTY-FIVE (75) FEET AND CHANGING THE MAXIMUM LENGTH OF BOATS FOR WHICH PERMITS MAY BE ISSUED FOR USE ON LAKE AUSTIN FROM SIXTY-FIVE (65) FEET TO SEVENTY-FIVE (75) FEET; 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 the rule be suspended and the ordinance passed to the second reading. The motion carried by the following vote:

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

Noes: None

The ordinance was read the second time and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to the third reading. The motion carried by the following vote:

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

Noes: None

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

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

Noes: None

Councilman Drake offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Carl B. Morris, for the laying of certain water mains and other pipes in Sun Terrace Subdivision, in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

The motion carried by the following vote:

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

Noes: None

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 City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Carl B. Morris, for the laying of certain sanitary sewer mains and other sewer pipes in Sun Terrace Subdivision, in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

The motion carried by the following vote:

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

Noes: None

The City Manager submitted his recommendation that city employees be permitted to work five 9-hour days per week with all day off on Saturdays, beginning Monday, June 6 until Monday, September 5, excepting the departments that are on 24-hour day operation, as Fire, Police, Hospital, Libraries, Water, Sewer & Electric Plants and trouble service crews; with one responsible person on duty each Saturday in the Public Works and Utilities offices. Councilman Johnson moved that the recommendation of the City Manager be accepted, and the five-9-hour day week be instituted beginning Monday, June 6, through Monday, September 5, 1949. The motion carried by the following vote:

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

Noes: None

Mr. Bert Maloney and Mr. Walter Long appeared before the Council offering the support of the Chamber of Commerce in converting the property at 4th and Guadalupe into a public parking space. After considerable discussion of the plans submitted, Councilman Johnson moved that two entrances be made into the lot, a row of posts be placed to allow parking for about 32 cars, and that only the front part of the lot now facing on 5th street be used at present, and that this portion of the lot be used as an experiment to see how much demand there is for parking space in this area. The motion carried by the following vote:

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

Noes: None

Councilman Drake offered the following resolution and moved its adoption:

(RESOLUTION)

That the City Council of the City of Austin hereby approves the property situated on the south side of West 5th Street, which property is owned by the Capital Foundation and Drilling Company, and is designated as part of the Enfield Realty and Home Building Co. tract in the Geo. W. Spear League in the City of Austin, Travis County, Texas, and hereby authorizes the said Capital Foundation and Drilling Co. to operate a private gasoline plant consisting of a 550 gallon tank and 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 compliances with all the ordinances relating thereto, and further subject to the foregoing 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 Capital Foundation and Drilling Co. has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

The motion carried by the following vote:

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

Noes: None

There being no further business, upon motion of Councilman Johnson, the meeting recessed at 11:45, subject to call of the Mayor.

APPROVED

Tommy Glass
Mayor

ATTEST:

Elaine Marshall
Acting City Clerk