

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 29, 1953
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

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

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

MR. M. H. CROCKETT appeared regarding the set-back on his property on Lamar Boulevard between 35th and 37th streets. This was a matter that had been before the Board of Adjustment. Mr. Crockett wanted to build about a fifteen foot building, and the set-back requirement would not permit. He inquired of several possibilities: putting a building on wheels, or getting a trailer to use for the office building. It was suggested that he try to lease a few feet of land from the owner of the property adjoining him.

MR. PHILLIP BAKER, member of the First Colored Baptist Church, introduced the pastor, REV. ROBERT LEE, who outlined the plans of this Church with its new project in the 2800 block of East 12th Street. He was anxious to get the Church building still located on the property the City purchased from the Church, which building the city had contracted to return to them at the end of two years. Rev. Lee was afraid the building was deteriorating. Councilman Long inquired about the contract, and how much was paid. It was explained this price for the property was set by the court, and that the building was to be given to them at the end of two years; that the building was being taken care of and being strengthened so as to take care of the equipment to be stored. The Pastor stated he understood this was the agreement, but he was afraid the building was deteriorating. Councilman White inquired about the storage and possible use of the Ulit Building, but it was stated the Ulit Building was in full use.

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 ORDINANCE BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY AMENDING THE FOLLOWING: ITEM 6, SECTION 5; ADDING NEW ITEM TO BE DESIGNATED AS 12-A TO SECTION 4, AND ITEM 13, (a) SECTION 4, THEREOF; 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, Long, MacCorkle, White, Mayor Drake
Noes: None

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, Long, MacCorkle, White, Mayor Drake
Noes: None

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, Long, MacCorkle, White, Mayor Drake
Noes: None

The Mayor announced the ordinance had been finally passed.

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 "C" COMMERCIAL DISTRICT WITH RESTRICTIONS TO "C" COMMERCIAL DISTRICT ON THE WEST 60 FEET OF LOT 7, BLOCK 131, LESS THE WEST 5.15 FEET OF THE NORTH 80 FEET OF SUCH LOT, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Johnson 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 Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

The ordinance was read the second time and Councilman Johnson 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 Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

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

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

The Mayor announced the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

That W.E. Seaholm, City Manager, be and he is hereby authorized and directed to enter into and execute on behalf of the City of Austin one certain written license agreement, dated January 22, 1953, between said City of Austin, a municipal corporation situated in Travis County, State of Texas, and Guy A. Thompson Trustee, International-Great Northern Railroad Company, Debtor, for the construction, ownership, maintenance and use of two (2) certain 11,800-volt aerial power transmission lines crossing said railroad company's premises at Engineer's Chaining Stations 9490/66 and 9401/82, and guy wires occupying railroad company's premises at Engineer's Chaining Stations 9382/14, 9380/34, 9320/11, and 9366/06, at or near Austin, Travis County, Texas, as more particularly set out in said agreement to which reference is made the same as if fully set out herein.

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

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on February 15, 1950, Herbert S. Retta entered into a contract with the City of Austin to purchase the hereinafter described property for the total sum of Seven Hundred (\$700.00) Dollars; and,

WHEREAS, said total consideration has now been paid to the City of Austin; 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 and directed to execute a deed on behalf of the City of Austin, conveying to Herbert S. Retta for and in consideration of the payment by the said Herbert S. Retta to the City of Austin of the total sum of Seven Hundred (\$700.00) Dollars, 1355 square feet of land, same being out of and a part of Lot 31 of Paul Simms Addition, a subdivision of Outlot 22, Division A, of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, said Lot 31 having been conveyed to the City of Austin by deed dated May 30, 1947, of record in Volume 847 at page 489 of the Deed Records of Travis County, Texas, which 1355 square feet of land is that portion of said Lot 31 lying south of the south line of East 7th Street.

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

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

Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas 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 Southern Union Gas 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 WEST 50TH STREET, from West Park Drive to Bull Creek Road, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said WEST 50TH STREET.

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

- (2) A gas main in PLACID PLACE, from a point 25 feet south of Hancock Drive southerly 850 feet, the centerline of which gas main shall be 6.5 feet west of and parallel

to the east property line of said PLACID PLACE.

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

(3) A gas main in WEST MARKET DRIVE, from a point 180 feet south of West 50th Street northerly 350 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said WEST MARKET DRIVE.

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

(4) A gas main in VINE STREET, from Geraghty Avenue northerly 218 feet, the centerline of which gas main shall be 6.5 feet east of and parallel to the west property line of said VINE STREET.

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

(5) A gas main in PEGRAM AVENUE, from Vine Street easterly 324 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said PEGRAM AVENUE.

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

(6) A gas main in FINLEY DRIVE, from Perry Lane southerly 527 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said FINLEY DRIVE.

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

(7) A gas main in OAKMONT BOULEVARD, from a point 357 feet south of West 48th Street southerly 536 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said OAKMONT BOULEVARD.

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

(8) A gas main in CHIAPPERO TRAIL, from a point 356 feet south of West 48th Street southerly 545 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said CHIAPPERO TRAIL.

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

(9) A gas main in CRESTWAY DRIVE, from a point 178 feet west of Parkcrest Drive, west and south 500 feet, the centerline of which gas main shall be 5.5 feet east of and parallel to the west property line of said CRESTWAY DRIVE.

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

(10) A gas main in EAST 50th STREET, from a point 69 feet east of Evans Avenue westerly 74 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said EAST 50TH STREET.

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

(11) A gas main in SOUTH 2ND STREET, from a point 160 feet south of West Oltorf Street southerly 80 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said SOUTH 2ND STREET.

The Southern Union Gas 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 Southern Union Gas Company requires 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 Southern Union Gas 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, seconded by Councilman Johnson, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
Noes: None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin has heretofore obtained and will in the future obtain in the courts of Travis County, Texas, judgments for delinquent taxes against various persons; and,

WHEREAS, the said City has caused, and will in the future cause such judgments to be abstracted and recorded in the Judgment Lien Records of Travis County, Texas; and,

WHEREAS, the City has been, and will be, from time to time, called upon

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to release said judgments and the liens created thereby; and,

WHEREAS, the City Tax Assessor and Collector by virtue of his position is cognizant of such tax suits, judgments therein, and payments thereon, and it is deemed expedient that the said Assessor and Collector be authorized to release on behalf of said City, such judgments upon the payment of same; Now, Therefore,

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

That the City Tax Assessor and Collector of the City of Austin, upon the payment in full to him of the taxes, penalties, interest and costs included in any judgment in favor of the City of Austin, be, and he is hereby authorized, in the name and on behalf of the City of Austin, to execute a written release with the seal of the City of Austin affixed and attested by the City Clerk, releasing unto such person paying such judgment all liens created or fixed thereby.

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

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

Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a sanitary sewer easement was reserved and dedicated to the public by an instrument dated June 13, 1918, recorded in Volume 406 at page 390 of the Deed Records of Travis County, Texas, said instrument having been executed by R. Niles Graham, et al; and,

WHEREAS, a portion of said sanitary sewer easement is not now needed and hereafter will not be required by the City of Austin; 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 and directed to execute a release of the portion of such easement as follows:

A tract of land, being Lot 9, of Belmont, 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 Belmont of record in Book 5, page 173, Plat Records of Travis County, Texas.

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

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

Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the final plat of the subdivision known as "Shoalwoods Addition, Section 2", approved by the City Plan Commission of the City of Austin on October 23, 1952, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

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

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

Noes: None

MR. C. L. SANSING, 5407 Jeff Davis, appeared before the Council, stating his availability to serve as an election official in the coming election. The Council discussed the appointment of electing judges.

The Mayor then introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE APPOINTING ELECTION JUDGES AND CLERKS TO SERVE AT THE VARIOUS POLLING PLACES IN THE VARIOUS ELECTIONS TO BE HELD IN THE CITY OF AUSTIN DURING THE TERM OF OFFICE OF SUCH JUDGES AND CLERKS", WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, JANUARY 22, 1953, AND IS RECORDED IN BOOK "S", OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY REVISING THE LIST OF JUDGES AND CLERKS APPOINTED THEREIN, AND ADOPTING A REVISED LIST OF JUDGES AND CLERKS; 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 White, carried by the following vote:

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

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 White, carried by the following vote:

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

Noes: None

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

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

The Mayor announced that the ordinance had been finally passed.

The application of R. W. McMURRY for permission to use the property at 1906 San Gabriel Street for a home for the aged was before the Council. MR. McMURRY was not present. MR. ANDY MONTGOMERY submitted a petition of people within 300 feet expressing opposition. MR. GOLDWIN GOLDSMITH, 1902 San Gabriel, MRS. LENORE ROBBINS, 1904 Robbins Place, MRS. MARY SIMONS, 1908 San Gabriel, and others expressed opposition. Councilman MacCorkle moved that the application be denied. The motion, seconded by Councilman Long, carried by the following vote:

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

The Mayor announced that the application had been DENIED.

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

FEHR & GRANGER	407 East 15th Street	From "B" Residence To "C" Commercial
ROY L. SCHNAUTZ	1407 West 5th Street	From "D" Industrial To "C-1" Commercial
ANDREW H. VISCARDI & MAX A. BACHOFEN	5400 & 5500 blocks Cameron Road	From "A" Residence To "C" Commercial
TOM W. BRADFIELD By W. L. BRADFIELD	2708-2802 Hancock Dr.	From "A" Residence To "C" Commercial
ELVIN BROWN (with Councilman Long 2-14-53)	1157 E. Eastfield Ave.	From "A" Residence To "C" Commercial

The City Manager reported on the paving on Avenue G between 44th and 45th Streets, and that it would be about \$8,000, and he would recommend that it be put in as a thoroughfare contract. Councilman White moved that the City Manager be authorized to negotiate with McKOWN & SONS for the paving of Avenue G from 44th to 45th Streets. The motion, seconded by Councilman Johnson, carried by the following vote:

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

Councilman Long stated there were eleven houses on Goodwin Avenue, and Mrs. Hubert Cordell, 2709 Goodwin, had called her stating the people on that street did not have any water. Before it was brought into the City it was not subdivided and houses were built out there, and the property is now in receivership. Mr. Don W. Wommack, Austin Savings and Loan, has control. Mrs. Cordell is 200 yards from water. Those people are not responsible for the situation. She asked that this be looked into to see if something could be done about it.

MR. M. H. CROCKETT thanked the Council for completing the sewer line east of his Riverside property.

There being no further business, the Council adjourned subject to the call of the Mayor.

APPROVED: W. S. Drasch

Mayor

ATTEST:

Elvin Hoosley

City Clerk