MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

April 19, 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. Also present was Mr. Ben White, Councilman Elect.

Councilman MacCorkle pointed out a correction in the Minutes pertaining to the name of MISS LORA LEE PEDERSON. 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 with the noted correction. The motion, upon being duly seconded by Councilman MacCorkle, was unanimously adopted by the Council and the minutes so approved.

MR. A. W. (GRIP) PENN made inquiry about his request of March 1st of cutting down the parkways in East 12th Street to provide parking in the middle of the street. The City Manager explained the study made on this project did not show the plan to be advisable, in that visibility would be affected and that it would be a bad street in rainy weather; and all in all, it was not recommended. The Mayor suggested that Mr. Penn try to sell the idea to the State of using the block at 11th and Congress Avenue as a parking lot for State employees.

MR. JAMES R. BROWN, and MRS. JOE TAYLOR, and others appeared before the Council again protesting the substation that was planned to be located at the Fire Hall on 10th and Blanco; stating that work was going on all the time. The City Manager had ordered that work be stopped on this proposition, and he explained that the work that was being done was the replacing of a pole which was independent of any substation. The group asked again that another location be found. The Mayor told them it could not be located in a short time, as studies of loads and lines had to be made, and that the City Manager and Council would try to find another suitable place as soon as possible.

MRS. HOLLAND PAGE, JR., asked the Council to try to do something about the Administration Building at the Airport, as it was a disgrace. She understood that the C. A. A. had withdrawn their appropriation to match the City's for a new Administration Building and large apron for aircraft. It was explained this fund was withdrawn temporarily due to the emergency and controls on buildings; that the building was a matter of finances. At such time the City could go ahead, the Government Funds would probably be reinstated. At this time the City is limited in the amount of bonds it can sell, and keep within a certain credit limitation.

MR. CHARLIE ROBINSON, Charley's Place on Lake Austin, asked that controls be placed on speed boats in the vicinity of the Metropolitan Park and his own place; as the situation was becoming dangerous, there being many swimmers. He asked that a speed limit of about eight miles be placed about one-fourth mile from the front of these two bathing beaches. He also asked that someone patrol the area as each week he had to rescue people from the middle of the lake; that in the last two years, he had pulled about 300 people out. MR. A. W. PENN also favored the speed limit; and asked that no boat racing permits be given. He would like to see the boat racing on Marshall Ford lake and not on Lake Austin. The Mayor asked that an ordinance be drawn up regulating speed in front of the beaches on Lake Austin. The City Manager stated he would get with the Navigation Board and get some recommendations from this Board to submit to the Council.

MR. F. R. OAKS, 94 Trinity made inquiry of the proposed low-water dam, stating money had been voted for this dam and park improvements, but nothing had been accomplished. It was explained to him the bonds had not been sold as yet, and this \$18,000,000 bond program was a 10 year plan; and within the 10 years, the low water dam would be built.

COUNCILMAN JOHNSON brought to the Council's attention the fact that somebody is stealing shrubbery out of the Memorial Cemetery at night. He had had two complaints about this. The Director of Public Works reported that a man had been placed there to watch this and catch the persons.

COUNCILMAN JOHNSON reported a complaint he had from MRS. J. R. LEDBETTER, 312 Oltorf, regarding trucks on Oltorf and Wilson Streets raising so much dust. Also, she complained that people were racing on Wilson Street going down to Gillis Playground, and that there were no stop signs or traffic lights. The City Manager stated a patrolman would be placed down there for a while and get this straightened out.

COUNCILMAN JOHNSON asked that when the Evaluation Committee was finished with the Job Classification, that the City Council go over their report with them before any salaries are set. The City Manager said the Committee would meet with the Council and he would submit the report of their recommendations and the Council could discuss it and possibly make further recommendations. Councilman Johnson stated he would like to review the report with them.

The Council received notice from the City Manager that the following application for change of zoning had been referred to the Zoning Board of Adjustment for consideration and recommendation:

JOE B. TORRES

2211 Santa Rita

From "B" Residence To "C" Commercial

Councilmen 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 Council of the City of Austin hereby approves the property situated on the south side of West 5th Street as a private gasoline plant, which property is owned by Covert Automobile Company, and is designated at Lots 7 and 8. Block 46, in the Original City of Austin, Travis County, Texas, and hereby authorizes the said Covert Automobile Company to operate a private gasoline plant consisting of a 1000 gallon underground tank andpump 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 compliance with all the ordinances relating thereto, and further subject to the foregoing attached 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 Covert Automobile Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

Austin, Texas April 19; 1951

Mr. Walter E. Seaholm City Manager Austin, Texas

Dear Sir:

I. the undersigned, have considered the application of Covert Automobile Company for permission to operate a private gasoline plant consisting of a 1000 gallon underground tank and pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the south side of West 5th Street, which property is designated as Lots 7 and 8, Block 46. in the Original City of Austin, Travis County, Texas, and is located in the rear of 509 West 5th Street.

This property is located in a "C-1" Commercial District and I recommend that this permit be granted subject to the following conditions:

(1). That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriter's Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the

"C-2" Commercial

storage and handling of gasoline.

- (2) That all tanks and pumps shall be located not nearer than 10 feet to the property line and so located that cars stopped for the purpose of unloading or receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street or alley.
- (3) That "NO SMOKING" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.
- (4) That all fees shall be paid and a permit secured from the Building nspector's Office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

Respectfully submitted. (S) J.C.Eckert Building Inspector

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

Councilman Drake moved that the following application for change of zoning be set for public hearing at 11:00 A.M., May 10. 1951:

J. L. REED

From "C-1" Commercial Sw 87.5'x100' of Lot 1, Blk. 1, Outlot 56, Div. "B", 1101 To RECOMMENDED by the Navasota; and additional prop-Zoning Board of Aderty recommended by the Zoning Board to cover the S. d of justment on January Lots 58-62, Outlot 55, Div. "B"; 25, 1951. Lots 4-7, Original Lots 55 & 56, Outlot 55, Div. "B"; Original Lots 7-15, Blk.4, Outlet 4, Div. "B": Original Lots 1-6, Blk. 7, Outlot 3, Div. "B"

The motion, seconded by Councilman Long, carried 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 MAN ORDINANCE DEFINING THE DUTIES OF RAILWAY COMPANIES IN REGARD TO THEIR TRACKS AT. IN. AND OVER STREET CROSSINGS IN THE CITY OF AUSTIN; AND DECLARING AN EMERGENCY", PASSED BY THE CITY COUNCIL FEBRUARY 7, 1935, AND RECORDED IN ORDINANCE BOOK "K", AT PAGE 8 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, SO AS TO PRESCRIBE STANDARDS FOR

THE CONSTRUCTION OF RAILROAD CROSSINGS ON PAVED STREETS IN THE CITY OF AUSTIN; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time, and Councilman MacCokle 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 Drake, Johnson, Long, MacCorkle, Mayor Glass Nose: 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 Drake, Johnson, Long, MacCorkle, Mayor Glass Nose: 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 Drake, Johnson, Long, MacCorkle, Mayor Glass Noss: None

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

Mayor Glass 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 OR-DINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISH-ING 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 OR-DINANCE HEREBY CHANGING THE USE DESIGNATION FROM "B" RESI-DENCE DISTRICT AND THIRD HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND THIRD HEIGHT ANDAREA DISTRICT ON LOT 9. BLOCK 172. OF THE ORIGINAL CITY OF AUSTIN, 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 MacCorkle moved that the rule be suspended and the ordinance passed to it second reading. The motion, seconded by Councilman Johnson, 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 its third reading. The motion, seconded by Councilman Johnson, 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 it be finally passed. The motion, seconded by Councilman Johnson, 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 City Manager submitted a proposed amendment to the Zoning Ordinance which would permit in "B" Residence Districts headquarter buildings for professional organizations, and which would define the term "Club". He stated such an ordinance was requested by the TEXAS STATE MEDICAL ASSOCIATION in order to permit the use of their Library Building on Lamar Boulevard as a state headquarters.

Councilman MacCorkle moved that the following proposed amendment to the Zoning Ordinance be referred to the Zoning Board of Adjustment for consideration and recommendation:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE AMENDING AN ORDINANCE ENTITLED 'AN OR-DINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN: AND REGULATING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE IN-DUSTRY, RESIDENCES AND OTHER PURPOSES: AND DIVIDING THE CITY OF AUSTIN INTO DISTRICTS OR ZONES, AND REGULATING AND DISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION. ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS OR ZONES: AND PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES AND KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE DISTRICTS OR ZONES; AND ADOPTING TWO ZONING MAPS. DISCLOSING RESPECTIVELY THE SEVERAL USE DISTRICTS AND THE SEVERAL HEIGHT AND AREA DIS-TRICTS. AND THE RESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS; AND PROVIDING FOR A BOARD OF ADJUSTMENT AND DEFINING THE POWERS OF SAME; AND PROVIDING CERTAIN PENALTIES AND REMEDIES; AND DECLARING AN EMERGENCY. WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL ON APRIL 23. 1931. AND RECORDED IN ORDINANCE BOOK "I" AT PAGES 301-318 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY ENACTING

A COMPREHENSIVE REVISION, IMPROVEMENT, AND AMENDMENT OF SAID ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY, WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL ON JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L" AT PAGES 152-174, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY AMENDING SECTION 5 SO AS TO PERMIT IN "B" RESIDENCE DISTRICTS BUILDINGS USED BY HEADQUARTERS OF PROFESSIONS, AND DEFINING THE TERMS "CLUB" AND "PROFESSION"; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

Three property owners of the property needed for the water plant in north-west Austin appeared before the Council. It had been recommended that condemnation proceedings be started on this property in this area. DR. CARL.M. ROSENQUIST stated he would appreciate further negotiations with the City. The difference between what he was offered and what he would take was about \$50,000. His property had potential subdivision values, and besides it was his home place, and he could not find a place like this one. Dr. Rosenquist asked to see the Appraisal Committee's report on the basis of their estimate. The Council decided to wait until the following Thursday and see if Dr. Rosenquist and the City could reach an agreement on his property value. (Part of the Daniel J. Gilbert; Survey)

MR. JAMES G. HOLLOWAY, JR., representing his wife, asked further consideration of the Council, stating the price he had been offered for his property in the area needed for the new water plant was much lower than they would accept—\$10,000 as against \$27,000. Mr. Holloway stated their property had a beautiful view that was worth money and was level. He asked the Council for more time to try to work out something, to see if an agreement could be reach before condemnation proceedings were started. (Part of the Daniel J. Gilbert Survey.) The Council decided to held this over until the following Thursday.

MR. JOHN WEILER, appeared in his own interest of the property that was up before the Council regarding property needed for the new Water Plant in the MT. BONNEL area, and which property was being considered to be obtained under condemnation proceedings. Mr. Weiler stated he had been offered only \$3600.00 by the City, and he felt his property had a value as a future subdivision; but if not for a subdividion, he wanted to build a home on it. He had no price to offer, and asked that action be taken through the Courts.

Councilmen MacCorkle then offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that in order to serve the fast exapnding areas in the northwestern portion of the City it is necessary to extend the water system of the City of Austin by constructing a new water plant in that area on the Colorado River; and

WHEREAS, the City Council has determined as a fact that the tract of land hereinbelow described, along with contiguous tracts, is suitable as a location for the new water plant; and

WHEREAS, it appears that the City of Austin, through its duly authorized representatives, has negotiated with the owner of said tract and has failed to agree with said owner on the market value of said tract; and

WHEREAS, the City Council now finds as a matter of fact that it is necessary for the City of Austin to acquire the tract of land hereinbelow described through the exercise of the power of eminent domain; Now, Therefore,

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

That the City Manager be and he is here by authorized and directed, to file or cause to be filed against all owners and lienholders, a suit in eminent domain to acquire fee simple title of the following described tract of land;

5.12 acres of land, same being all of that certain tract of land out of the Daniel J. Gilbert Survey in Travis County, Texas, conveyed to John E. Weiler by warranty deed dated April 29, 1946, of record in Volume 794 at page 156 of the Deed Records of Travis County, Texas, which 5.12 acres of land is more particularly described by metes and bounds as follows:

BEGINNING at a corner fence post on the N.W. line of the old Bull Creek Road, which post is the most easterly corner of that 15.72 acre tract of land which was conveyed by E. P. James and wife to Louis Dunbar in accordance with a deed which is recorded in Travis County Deed Records in Volume 466, Page 102;

THENCE with the N.W. line of the old Bull Creek Road and with the S.E. lineof said 15.72 acre tract S. 65° 30'W. 291.3 feet to a large cedar tree for a corner;

THENCE with the S.E. line of said James tract S. 48° 59' W. 153.26 feet to a tall cedar post;

THENCE leaving the west line of the field N. 27° 59' W. 455.98 feet to an iron stake and rock mound, and from which stake a Live Oak 7" diameter marked "X" bears S. 78° 10'E. 27.2 feet and a 5" Live Oak tree which is one of several that is grown out of a large Live Oak Stool and which is marked "X" bears S. 11° 45'E. 30.2 feet;

THENCE N. 65°20'E. 100 feet to a cedar post which is the north corner of the old field and which is on the N.E. line of the aforementioned 15.72 acre tract and also the morth corner of the aforementioned 15.72 acre tract, bears N. 58° 50' W. 79.60 feet and N. 56° 55!W. 300 feet;

THENCE with the fence and with the N.E. line of the aforementioned 15.72 acre tract and with the S.W. line of the land owned or formerly owned by Miss Olive Huck S. 58°50' E. 145.2 feet:

2 J. C. See 55

THENCE still with the fence S. 59° 30' E. 494.8 feet to a post for corner;

THENCE still with the fence S. 22° 45' E. 182.8 feet to the place of beginning.

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

The BRUSH and BRADFIELD property involved in the Water Plant site, was covered by a letter from them consenting to condemnation proceedings.

Councilman MacCorkle then offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin has found that in order to serve the fast expanding areas in the northwestern portion of the City it is necessary to extend the water system of the City of Austin by constructing a new water plant in that area on the Colorado River; and

WHEREAS, the City Council has determined as a fact that the tract of land hereinbelow described, along with continguous tracts, is suitable for the location of the new water plant; and

WHEREAS, it appears that the City of Austin, through its duly authorized representatives, has negotiated with the owner of said tract and has failed to agree with said owner on the market value of said tract; and

WHEREAS, the City Council now finds as a matter of fact that it is necessary for the City of Austin to acquire the tract of land hereinbelow described through the exercise of the power of eminent domain; Now, Therefore,

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 file or cause to be filed against all owners and lienholders, a suit in eminent domain to acquire fee simple title of the following described tract of land:

3.54 acres of land, same being out of and a part of that certain tract of land out of the Daniel J. Gilbert Survey in Travis County, Texas, which was conveyed to W. L. Bradfield and G. H. Brush by deed dated June 15, 1948 of record in Volume 913 at Pages 126-129 of the Deed Records of Travis County, Texas, which 3.54 acres of land is more particularly described by metes and bounds as follows:

BEGINNING at a concrete monument on the southwest corner of the said Bradfield and Brush tract:

THENCE with the west line of said tract, N. 36°20' E. · 147.76 feetto an iron stake;

THENCE N. 81049: W. 244.07 feet to an iron stake set on the west line of a proposed street, said proposed west line being a curve whose intersection angle is 105° 48'. whose radius is 159.46 feet, and whose tangent distance is 210.84 feet;

THENCE following said curving line to the left with the following three courses:

- (1) An arc distance of 75.71 feet, the subchord of which arc bears S. 50 241 E. 75.00 feet to an iron stake;
- (2) An arc distance of 70.87 feet, the subchord of which arc bears S. 310 44 E. 70.29 feet to an iron stake; and
- (3) An arc distance of 35.08 feet the subchord of which arc bears S. 500 461 E. 35.00 feet to a concrete monument on the point of tangency of said curve;

THENCE S. 57004' E. 472.08 feet to an iron stake on the point of curvature of a curve having an intersection angle of 60° 28; a tangent distance of 22.29 feet, and a radius of 38.25 feet;

THENCE following said curving line to the right an arc distance of 40.37 feet, to an iron stake on the point of reverse curvature between the aforementioned curve and a curve to the left having an intersection angle of 43°36'; a tangent distance of 115.11 feet and a radius of 287.79 feet;

THENCE following said curving line to the left an arc distance of 176.49 feet, the subchord of which arc bears S. 14007' E. 173.74 feet to an iron stake on the south line of the said Bradfield and Brush tract;

THENCE with the south line of the said Bradfield and Brush tract, with the following three (3) courses:

- (1) N. 59° 05' W. 484.67 feet to aconcrete monument;
- (2) N. 58° 28' W. 223.38 feet to a concrete monument; and (3) N. 56° 29' W. 300.09 feet to point of beginning.

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

The City Manager stated he would have more information on the Joseph Estate property regarding condemnation proceedings to obtain street right-of-way to the new School on Brentwood, by next week.

There being no further business, the Council adjoured at 1:30 P.M., subject to the call of the Mayor.

APPROVED

ATTEST:

City Clerk