

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 20, 1952

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, Mayor Drake

Absent: Councilman White

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

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

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake

Noes: None

Absent: Councilman White

The Mayor announced that Councilman White was absent from the meeting due to the loss of his Mother, MRS. S. E. WHITE.

MR. EUGENE SANDERS appeared before the Council in opposition to the widening of the Congress Avenue Bridge, and asked out of which funds would the \$300,000 be appropriated; and if the Council were within its legal rights to spend money to widen the bridge when the County says it cannot spend County money without a vote from the people. He believed it to be false economy to spend \$900,000 to widen this bridge, when new bridges could be built for \$513,000. It was stated the city's part would come from bond money; and that it was legal to spend that bond money as the bridge was a part of the city street system.

The City Manager submitted the following certificate from the City Tax Assessor and Collector:

"TO THE MAYOR AND CITY COUNCIL:

"I certify that the tax assessments for the property hereinafter described in the name of Paul D. Burleson are incorrect for the following reasons:

"The Burleson Plumbing Company did not make a rendition for the years 1947, 1948, and 1949 so the Tax Department, having no other basis on which to act, made an assessment against the concern at an arbitrary figure. The attached affidavits, signed by Paul D. Burleson on September 24, 1952, shows that value of the personal property of the Burleson Plumbing Company, 1214 West 5th Street, was worth only \$100 of assessed value for the years 1947, 1948 and 1949. The records of the Tax Department show that no assessment for subsequent years has exceeded \$100.

"I have had this investigated by the personal property appraisers and recommend that I be authorized to reduce the assessed valuation on such property as follows:

<u>YEAR</u>	<u>DESCRIPTION OF PROPERTY</u>	<u>ORIGINAL ASSESSED VALUE</u>	<u>RECOMMENDED VALUE</u>
1947	Merchandise, Furniture and Fixtures.	800	100
1948	Merchandise, Furniture and Fixtures.	2000	100
1949	Merchandise, Furniture and Fixtures	2000	100

"(Sgd) T. B. Marshall
City Tax Assessor and Collector"

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Tax Assessor and Collector has made a special investigation of the tax assessments hereinafter set forth and has found the same to be erroneous for the reasons stated in his certificate delivered to the City Council and filed with the City Clerk, and

WHEREAS, in such certificate the City Tax Assessor and Collector has recommended the adjustments, Now, Therefore,

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

That the following tax assessments for the years shown be, and the same are hereby adjusted and corrected to fix the assessed values therein as indicated.

<u>YEAR</u>	<u>DESCRIPTION OF PROPERTY</u>	<u>ORIGINAL ASSESSED VALUE</u>	<u>RECOMMENDED VALUE</u>
1947	Merchandise, Furniture and Fixtures	800	100
1948	Merchandise, Furniture and Fixtures	2000	100
1949	Merchandise, Furniture and Fixtures	2000	100

"And the City Tax Assessor and Collector is authorized and directed to make such change in the tax rolls.

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

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake

Noes: None

Absent: Councilman White

Mayor Drake introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING THAT CERTAIN CUL-DE-SAC AT THE NORTH END OF UPSON STREET IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND RETAINING EASEMENTS FOR ALL UTILITIES IN THE CITY OF AUSTIN: AND SUSPENDING THE ORDINANCE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

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

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake

Noes: None

Absent: Councilman White

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 MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake

Noes: None

Absent: Councilman White

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

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake

Noes: None

Absent: Councilman White

The Mayor announced that the ordinance had been finally passed.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, in making a study of the names of the streets in the area annexed by the City of Austin on December 20, 1951, it has become apparent that the names of certain streets should be changed in order to avoid duplicate street names; and

WHEREAS, the Director of Public Works of the City of Austin has prepared a list of the streets whose names should be changed and has recommended the names be adopted in lieu of the names now being used; and

WHEREAS, after reviewing and considering the recommendations of said Director of Public Works, it is deemed advisable by the City Council to the City of Austin to adopt said recommendations in order to avoid further confusion in delivery services and in public records in general; therefore

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

THAT the streets within the City of Austin hereinafter listed be named and marked as follows:

1. The unnamed street shown upon the maps of the City of Austin and being the first street south of Post Road Drive and extending westerly two blocks from South Congress Avenue be known and designated as ----- KREBS LANE.
2. The unnamed street shown upon the maps of the City of Austin and being the second street south of Post Road Drive and extending westerly two blocks from South Congress Avenue be known and designated as ----- DUNLAP STREET.
3. The unnamed street shown upon the maps of the City of Austin and being the third street south of Post Road Drive and extending westerly two blocks from South Congress Avenue be known and designated as ----- ORTIZ STREET.
4. The unnamed street shown upon the maps of the City of Austin and being the first street west of South Congress Avenue and extending northerly two blocks from Ortiz Street be known and designated as ----- WADFORD STREET.
5. The unnamed street shown upon the maps of the City of Austin and being the second street west of South Congress Avenue and extending northerly two blocks from Ortiz Street be known and designated as ----- REYNA STREET.

The motion, seconded by Councilman MacCorkle, carried by the following vote;

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake

Noes: None

Absent: Councilman White

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, there is a certain street within the City of Austin known as Schwinge Lane, which street is shown upon the map or plat of Schwinge Subdivision of record in Book 6, page 46 of the Plat Records of Travis County, Texas; and

WHEREAS, the abutting property owners on the aforementioned street have petitioned the City Council of the City of Austin to change the name of Schwinge Lane to Sweeney Lane; and

WHEREAS, the City Council of the City of Austin has considered said petition; therefore,

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

THAT Schwinge Lane as referred to above be known and designated as Sweeney Lane.

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

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake

Noes: None

Absent: Councilman White

Councilman MacCorkle 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 at the northeast corner of Lamar Boulevard and West 34th Street which property fronts 142 feet on Lamar Boulevard and 83.75 feet on West 34th Street, and being known as the center 84.58 feet of south 4 feet of Lot 5 and center 84.58 feet of Lots 6, 7 and 8 of Hill View Addition out of Outlot 76, Division D of the Government Outlots adjoining the original 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.

(Attached Recommendations)

November 20, 1952

Mr. Walter Seaholm
City Manager
Austin, Texas

We, the undersigned, have considered the application of the Magnolia Petroleum Company acting by and through Wm. B. Ransom, Agent, 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 at the northeast corner of Lamar Boulevard and West 34th Street which property fronts 142 feet on Lamar Boulevard and 83.75 feet on West 34th Street and being known as the center 84.58 feet of south 4 feet of Lot 5 and center 84.58 feet of Lots 6, 7 and 8 of Hill View Addition out of Outlot 76, Division D of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by the 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.

The storm sewer and surface drainage from this filling station is to be emptied into a storm sewer inlet on the east side of Lamar Boulevard adjacent to the above described property.

We recommend that 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 waters shall be concentrated in accordance with out 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 - H - 1129.

(6) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2 - H - 1129 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

J. C. Eckert
Building Inspector

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

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

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, a certain public utilities and drainage easement was reserved and dedicated to the public on a map or plat of Highland Park West, a Subdivision of portions of the Daniel J. Gilbert, the C. J. Strother Survey, and the Albert Silsbee Survey, in the City of Austin, Travis County, Texas; which map or plat is recorded in Book 4, page 299 of the Plat Records of Travis County, Texas; and

WHEREAS, such easement as hereinafter described 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 such public utilities and drainage easement described as follows:

- (1) The east five (5) feet of Lot 7, Block R, of the aforementioned subdivision.
- (2) The west five (5) feet of Lot 8, Block R, of the aforementioned subdivision.

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

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

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 "B" RESIDENCE TO "C" COMMERCIAL DISTRICT ON LOT 2, BLOCK 39, DIVISION E, 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 Long moved that the ordinance be passed to its second reading. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle
Noes: None
Absent: Councilman White
Present but not voting: Mayor Drake

Mayor Drake introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN, PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 12(a) OF ARTICLE III RELATING TO TRAFFIC CONTROL DEVICES; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; DECLARING AN EMERGENCY AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake

Noes: None
Absent: Councilman White

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 MacCorkle, Carried by the following vote:

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

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Drake introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN, PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 12(b) OF ARTICLE III RELATING TO STOP SIGN LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; DECLARING AN EMERGENCY 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, Mayor Drake
Noes: None
Absent: Councilman White

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, Mayor Drake
Noes: None
Absent: Councilman White

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

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

The Mayor announced that the ordinance had been finally passed.

Mayor Drake introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 12(b) OF ARTICLE III RELATING TO STOP SIGN LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; DECLARING AN EMERGENCY 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 MacCorkle, carried by the following vote:

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

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 MacCorkle, carried by the following vote:

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

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

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

The Mayor announced that the ordinance had been finally passed.

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on November 5, 1952, bids were received by the City of Austin for two 14,000 gallons per minute vertical pumping units and one 7,000 gallons per minute pumping unit to be installed in the New Filter Plant; and,

WHEREAS, such bids were as follows:

Fairbanks Morse Co.	\$32,957.00
A. M. Lockett Co. (Worthington)	\$38,024.00
Alliger & Sears (Economy Pumps)	\$45,000.00
Towery Equipment Co. (Wintroath Pumps)	\$45,535.00
Byron-Jackson Co.	\$54,051.00
Allis-Chalmers Mfg. Co.	\$67,133.00

and

WHEREAS, the bid of Fairbanks Morse Co. in the sum of \$32,957.00 was the lowest and best bid, and the acceptance of such bid has been recommended by Freese and Nichols, Consulting Engineers for the New Filter Plant, and by the Superintendent of Water and Sewage Treatment and the City Manager; Now, Therefore,

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

That said bid of Fairbanks Morse Co. in the sum of \$32,957.00 be and the same is hereby accepted, and W. E. Seaholm, City Manager, is hereby authorized to purchase such equipment from the Fairbanks Morse Company.

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

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake

Noes: None

Absent: Councilman White

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 R. C. Wilson, in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution, and marked by the City Clerk for purposes of identification, and the City Clerk is hereby directed to file for permanent record in the office of the City Clerk the attached copy of said contract without recordation in the Minutes of the City Council. (On file under WATER MAIN EXTENSIONS - Contract File No. 626-C)

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

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake

Noes: None

Absent: Councilman White

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 E. Swenson, in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution, and marked by the City Clerk for purposes of identification, and the City Clerk is hereby directed to file for permanent record in the office of the City Clerk the attached copy of said contract without recordation in the Minutes of the City Council. (On file under WATER MAIN EXTENSIONS - Contract File No. 625-C)

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

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake

Noes: None

Absent: Councilman White

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 enter into a contract on behalf of the City of Austin with Vernon Cook in accordance with the terms and provisions of a certain contract, copy of which is attached to this Resolution, and marked by the City Clerk for purposes of identification, and the City Clerk is hereby directed to file for permanent record in the office of the City Clerk the attached copy of said contract without recordation in the Minutes of the City Council. (On file under WATER MAIN EXTENSIONS - Contract File No. 637-C)

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

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake

Noes: None

Absent: Councilman White

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 final plat of the subdivision known as "Shoalwoods Addition, Section One", approved by the City Plan Commission of the City of Austin on July 24, 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 MacCorkle, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake
Noes: None
Absent: Councilman White

Councilman MacCorkle 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 "Walnut Hills, Section 4", approved by the City Plan Commission of the City of Austin on November 13, 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, Mayor Drake
Noes: None
Absent: Councilman White

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 final plat of the subdivision known as "Forest Hills "D" Section 2", approved by the City Plan Commission of the City of Austin on August 28, 1952, be and the same is hereby accepted and authorized to be file d 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 Long, carried by the following vote:
Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake
Noes: None
Absent: Councilman White

MR. HERMAN JONES, representing MR. FRANK MORGAN, the American Taxi Company, appeared stating the Council had previously approved the mortgage of the American Taxicab Company to K. M. FISHER, and the mortgage included the franchise of the Company. Mr. Jones filed the following statements:

"November 17, 1952

"To the City of Austin:

"By resolution, adopted and approved April 17, 1952, the City Council of the City of Austin approved a mortgage by Frank Morgan, doing business as the AMERICAN TAXI COMPANY, to K. M. Fisher of San Antonio, Texas, which mortgage covered all of the assets of the mortgagor, including his taxicab franchise from the City of Austin authorizing the operation of sixty-one (61) taxicabs, and in the event of foreclosure of said mortgage, the resolution approved the transfer of such franchise by the mortgagor to the said K. M. Fisher, mortgagee.

"This is to advise you that as of this date, November 17, 1952, the mortgage above referred to has been foreclosed by the said K. M. Fisher, and he is now the owner of the business known as AMERICAN TAXI COMPANY and all of its assets, including said franchise.

"Yours respectfully

(S) Frank Morgan
(S) K. M. Fisher"

"To the Honorable Mayor and the City Council of the City of Austin, Texas

"Now comes K. M. Fisher, presently operating a taxicab business in the City of Austin under the name of AMERICAN TAXI COMPANY, and files this Application to change the name of said business and the design of its taxicab, and for such Application, respectfully shows:

I.

"Applicant holds a taxicab franchise from the City of Austin authorizing the operation of sixty-one (61) taxicabs under the name of AMERICAN TAXI COMPANY, which taxicabs are presently operated in the City of Austin under that name and with a combination of colors and design previously approved by the City of Austin. This Applicant desires that he be permitted to operate said taxicab business and said taxicabs under the name CHECKER CAB COMPANY instead of AMERICAN TAXI COMPANY and that he be permitted to operate such taxicabs with the following design or combination of colors: the tops to be solid white; the balance of the cars to be solid black except that a black and white checkered line approximately two and one-half ($2\frac{1}{2}$) inches wide will circle the cars at approximately the center thereof from top to bottom. The color combination and design requested is fully shown by the attached photograph.

II.

"Applicant further requests that he be permitted a period of six (6)

months in which to complete the changeover herein requested so that all of such cabs will be changed in accordance with this Application not later than six (6) months from the date this Application is granted.

"WHEREFORE, Applicant respectfully prays that he be permitted to operate said taxicab business under the name CHECKER CAB COMPANY with the color combination and design hereinabove described.

"Respectfully submitted

K. M. Fisher, doing business as
AMERICAN TAXI COMPANY

By (S) Herman Jones
His Attorney"

(Picture attached on original)

Councilman Long moved that the matter be referred to the City Manager, City Attorney, and Mr. McClain for examination and brought back with a recommendation next week. The motion, seconded by Councilman Johnson, carried by the following vote:

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

MR. CALVIN R. RAUP, 4501 Rowood, stated he had been to the Board of Equalization regarding his taxes, and they had promised to inspect his home to see if his taxes were correct. He stated the Board said it had been out for the inspection, but it had not. He asked the Council to get the tax inspectors to go out to check the property as they promised. The Mayor explained that he would have a right to appeal to the Council. The City Manager was asked to check on this and see that an inspection were made.

MR. MOTON H. CROCKETT, JR., appeared representing the Junior Chamber of Commerce, asked permission to place posters on the light poles as the Red Feather poster was posted. Councilman Long moved that the Austin Junior Chamber of Commerce be granted permission to place posters on the city's metal light poles in the same manner as the Community Chest project. The motion, seconded by Councilman MacCorkle, carried by the following vote:

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

DR. C. D. PEAUVY was concerned over the possibility of closing a road in a proposed subdivision by Nash Phillips Copus, the road being the only access to his property. It was stated the subdivision had not been granted, and the road could never be vacated without his consent. DR. PEAUVY stated that WOODROW PATTERSON was the attorney for these subdividers, and that he should not sit in on the Planning Board and take action on this matter. Councilman Long stated the Charter

provided that any person on the Board interested personally in a piece of property would be disqualified.

The application for a Nursery at 1709 Sabine Street, by MRS. LEWIS M. COUCH was before the Council for consideration. MR. PERRY JONES represented Mrs. Couch, and showed that most of the area within two blocks was commercial, and he explained plans for the Nursery--that the children would not be kept at night; that the property would be fenced in, etc. Opposition was expressed by MYRTLE CARLSON in behalf of her 78 year old Mother and Mrs. Ekland who was ill. Further opposition was expressed by MRS. ADA BOGART, MRS. ESTHER O. HAYNIE, MRS. ADELE WILSON, and others by letters: EMMA WELLMER, MRS. H. MAGNESS, and MRS. MARTHA JACOBSEN. Councilman Long felt that the statements of those opposed represented aged people who were long established in this neighborhood should be considered. Councilman Long moved that the permit not be granted. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Long, MacCorkle, Mayor Drake
Noes: None
Absent: Councilman White
Present, but not voting: Councilman Johnson.

The Mayor announced that the application had been denied.

The application of HELEN MILES for a Nursery at 1508 Enfield Road was before the Council. MRS. JOHN C. TIRADO, 1507 West Lynn objected as she thought the traffic there would present a traffic hazard. Letters from John C. Ross and Mrs. Emily J. Reidt in opposition. Councilman MacCorkle's motion that it be denied lost for want of a second. Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Mrs. Helen Miles has made application in writing for permission to use and maintain in a residence a day nursery on Lot 25, Enfield B, in the City of Austin, Travis County, Texas, the same being located on the north side of Enfield Road and locally known as 1508 Enfield Road, which property is located in a "B" Residence District and under Section #5, Item #6 of the Zoning Ordinance requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin, therefore

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

THAT permission for the use and maintenance of this residence as a day nursery at the above address be granted to MRS. Helen Miles.

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

Ayes: Councilmen Johnson, Long, Mayor Drake
Noes: Councilman MacCorkle
Absent: Councilman White

The application of WILLIE HORTON for a rest home at 805 Waller Street was before the Council for consideration. WILLIE HORTON appeared in her own behalf stating she wanted this location as an annex to her present rest home. MR. FRANK RIOS, SR., objected. MR. JOE GONZALES, 1100 East 8th, opposed, as there were many children that had to pass by the rest home. He spoke for four other neighbors. R. C. SANTA ANNA, 1009 East 8th, objected also because of unsanitary conditions. He stated that at the present establishment, soiled quilts and mattresses were out in the yard. PEDRO ABERTO, 1003 E. 9th, stated his property adjoined this, and he was opposed. The Council deferred action on this until the following week in order that some of the members could make a personal inspection.

The application of MRS. A. L. PATTEN for a rest home at 1205 Nueces Street was before the Council. Mrs. Patten appeared in in her own behalf asking that the Council grant this permit. MRS. HAYBECK, MRS. MINNIE ISRAEL, MISSES AMELIA and EVA FATTORE, appeared in opposition with the statements this area was a race track from students from the High School and that the house was a little place with only one bath; cars were all the time parked on the street; and on football nights the noise was terrible; and that this place was not the place for a rest home, and it would also take away the value of the property. MRS. JEFF M. GILBERT 1202 San Antonio, objected as the street was dangerous, and people had their nice homes there and did not want a rest home there. Councilman Long did not believe the change would hurt the property in any way, and it was already in a district where doctors' clinics were located. Councilman Long moved that the permit be granted. The motion, seconded by Councilman Johnson, failed to carry by a tie vote as follows:

Ayes: Councilmen Johnson, Long
Noes: Councilman MacCorkle, Mayor Drake
Absent: Councilman White

The Mayor announced that the matter would be brought up again next week in order that Councilman White could cast the deciding vote.

The Council considered the ordinance providing for an increase in rate for the Transit Company. Councilman MacCorkle inquired if the ordinance was strong enough to require the improvement of the financial structure of the company. Councilman Long thought all the points should be mandatory. The Mayor then introduced the ordinance:

AN ORDINANCE PRESCRIBING TEMPORARY
RATES AND FARES TO BE CHARGED BY AUS-
TIN TRANSIT, INC. UNDER CERTAIN CON-
DITIONS; PROVIDING FOR RECONSIDERA-
TION OF RATES AND FARES OF AUSTIN
TRANSIT, INC. WITHIN SIX MONTHS; AND
DECLARING AN EMERGENCY.

The ordinance was read the first time, and Councilman Johnson moved that it be passed to its second reading. The motion, seconded by Councilman MacCorkle, carried by the following vote:

Ayes: Councilmen Johnson, MacCorkle, Mayor Drake
 Noes: Councilman Long
 Absent: Councilman White

Due to the absence of Councilman White, the ordinance was unable to be finally passed at this time, as it needed a four-fifths vote to suspend the rule. MR. MARTIN HARRIS, representing the Transit Company, stated that notice had been submitted to the Wage Stabilization Board that wages would be increased beginning November 21st, and the Company hated to keep putting the men off.

The Council postponed action on the following applications for zoning changes, since there were only four members present:

ANNIE MAY & LUSH M. RANDOLPH	1212 Chicon Street	From "C" Commercial To "C-1" Commercial NOT RECOMMENDED by the Zoning Commission.
EUGENE VEGA	2101 Haskell Street	From "A" Residence To "C" Commercial NOT RECOMMENDED by the Zoning Commission

The Council received a written request from CECIL LEONARD WRIGHT dated November 17, 1952, that his application for change of zoning at 5601-5611 Wild Street from residential "A" to commercial "C" be postponed at the present time and until further notification by him that he desired to change the zoning of this property.

The Council set the following zoning applications for public hearing at 11:00 A.M., December 11, 1952:

OCTAVIO NESTER MAR- TINEZ	One lot 43.2' wide fronting E. 1st St., having a depth of 130', Outlot 28, Div. Commission 0, locally known as 2708 East 1st Street	From "C" Commercial To "C-1" Commercial NOT Recommended by the Zoning Commission
BEN H. POWELL	Lots 2, 3, 4 and 5, Block 8, Outlot 5, Division Z, Silliman Addition, locally known as 914 Lamar Blvd.	From "C" Commercial To "C-1" Commercial RECOMMENDED by the Zoning Com.

A. G. FERRIS

The sw 95'x163' of Tract A, bounded on the south by Barton Springs Rd, and on the west by Fredricksburg Rd., locally known as 1210 Barton Springs Road.

From "C-1" Commercial
To "C-2" Commercial
RECOMMENDED by the Zoning Commission

The Council received notice that the following applications for change of zoning had been referred to the Zoning Commission:

BEN H. POWELL

2505 San Jacinto Blvd.

From "A" Residence
To "C" Commercial

MRS. FLORENCE HALL
By Earl Chase

3100 Blk. Hargrave St.

From "A" Residence
To "C" Commercial

The Council announced it would set zoning hearings that would normally be set for December 25th, the fourth Thursday, for DECEMBER 18th, the third Thursday.

It was announced that the Council would meet on November 26th, Wednesday.

Councilman Long read a letter from GEORGE W. SMITH, Route 1, Box 337-A Delarien Street on the Webberville Road, complaining that the City was dumping ashes and burned materials from the Incinerator on the vacant lot adjoining his. The City Manager stated there were locations on which dumping was done, and he would look into the status of this complaint.

MR. MARVIN KREUZ, 3106 East Avenue, inquired about the proposed 75' setback on East Avenue, stating if such were required, there would not be much property left for building; and that he did not believe the traffic there would warrant such a set-back for the next ten years.

MR. RUSSELL FISH expressed his interest in no-parking on Lamar and on other thoroughfares, and wanted the Council to go on and take action.

The recommendation of the Planning and Zoning Boards was read regarding a proposed 75' setback on the Interregional Highway. (This recommendation was Dated October 15, 1952, and recorded in full in the Minutes of October 30, 1952) The City Manager explained that off-street parking would provide the same results, and he believed the Planning and Zoning Boards felt that would be an approach to the thoroughfare problems. After detailed discussion, Councilman MacCorkle moved that the City Attorney be instructed to draw the ordinance with the facts along the lines discussed: provide for a twenty-five foot set-back on the Interregional Highway and that no more than 50% of the areas to be covered with

a building; one foot of parking and one foot of building, and that the ordinance be written that access to that area used as parking must be provided. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, Mayor Drake

Noes: None

Absent: Councilman White

(Recommendation of City Manager (11-18-52) on File

The question of parking on the thoroughfares was put off until after this matter of setback was decided upon.

The Council adjourned at 1:00 P.M., subject to the call of the Mayor.

APPROVED: W. S. Drake

Mayor

ATTEST:

Elsie Hooley
City Clerk