

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 18, 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, Mayor Glass
Absent: Councilman MacCorkle

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

The minutes of the previous meeting were read, and upon motion, duly seconded were approved.

Mayor Glass brought up the following ordinance for its second reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF FIVE AND SEVENTEEN ONE-HUNDREDTHS (5.17) ACRES OF LAND, SAME BEING OUT OF THE HENRY P. HILL LEAGUE WITHIN 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, duly seconded, carried by the following vote:

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

A young man, not stating his name, appeared before the Council for a City permit to stencil house numbers on the curbs. He was informed this was to be taken up direct with the property owners, and that the City did not issue permits for this type of work.

MR. CARL HARDIN, JR., appeared before the Council regarding a tract of land to be selected for POLIO, INC., as they did not want to place Polio, Incorporated in any section where it was bitterly opposed, but did ask that some other tract of land for its location be considered. The Council stated it would try to find a suitable place and have something definite by the following meeting of the Council on August 25, 1949.

MRS. G. J. PALMER and HOMER RILEY appeared before the Council with a petition signed by approximately 115 citizens, and reading as follows:

"We, the undersigned residents of Austin, with homes located along the banks of or near the open drainage ditch which heads near Camp Mabry and meanders in a southerly direction along the west side of the Missouri Pacific Railroad right-of-way respectfully represent to the Council, that such drainage ditch, dry creek or open sewer has become a nuisance, and a menace to the health of our community.

"The ditch does not drain properly and serves as a breeding place for mosquitoes and insects to such an extent as to seriously endanger the health of those who live near by.

"During many months of the year this open sewer or ditch contains numerous pools of green, stagnant and contaminated water or sewerage.

"We would further call your attention to the fact that many small children are accustomed to playing in and around this ditch and are exposed to the harmful effects of the scum and filth contained therein.

We respectfully request that the City Council take steps either to rock in this ditch or to encase it as a storm sewer, and properly grade it so that sewerage and stagnant water may not collect in same"

After quite a discussion, it was brought out that all of this was on private property, and the City could not go in there without easements. The City was trying to work out something in that area at a nearby location, but was unable to obtain easements. The City Manager stated this was on privately-owned property, and no city in the world could have enough money to put these creeks under ground, but it might be that the City, in view of the fact this covered a large area of drainage, might be able to finance a part of the correction, but not all of it; that the property owners would have to pay a part. It was decided that several estimates be drawn on different ways this might be corrected and see if the property owners, Engineering Department and City could work something out.

JAMES HAWKINS (Colored) came before the Council requesting permission to drive a taxi-cab. He was eighteen years of age and not a veteran. The Council explained the ordinance provided that a driver must be 21 years of age to drive a cab.

Councilman Long moved that the following Taxi-cab operator's license, duly recommended by the City Manager, be granted:

VIRGIL F. HAMBY

3405 Gonzales

Stylemaster, Fourt-door 48 Motor No. FAC-
241765, License No. KM5078, Chevrolet

The motion duly seconded carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

Councilman Long moved that the following Taxi-cab drivers' licenses, duly recommended by the City Manager, be granted:

W. M. HUCKABAY

1707 East 4th Street

MYRON FOSTER SPIARS

2208 Canterbury

The motion duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

The Driver's License of WILLIAM CULLEN BRYANT, was submitted to the Council by the City Manager with the request that it be revoked. MR. BRYANT was given a probation of 90 days, and was involved in a traffic accident while driving while intoxicated. Councilman Long moved that his license be revoked. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

Councilman Johnson moved that the following boat licenses, duly recommended by the City Manager, be granted:

J. S. BROWN, 1106 Baylor St.

Flat Bottom

W. V. HARDIN, 2524 Spring Lane

Sport Speedster

The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

Councilman Drake moved that the following Beer Retailers "On Premises" Licenses, duly recommended by the City Manager, be granted:

BLUEBIRD CAFE, John W. Porter	2218 Webberville Road
CHIK NIX, Jack Nunnelee	1920 South Congress Avenue
LOUIS TAVERN, Arthur Joseph	1133 East 11th Street

The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

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

WILLIAM WAYNE HUFF	2508-10 Indian Trail	From "A" Residential To "B-1" Residential
N. O. CRUMLEY	910 West Mary	From "A" Residential To "C" Commercial

The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

Councilman Johnson moved that the following application for change of zoning, after having received recommendation from the Zoning Board, be set for public hearing on September 8, 1949, at 2:30 P.M.:

W. J. PANNELL	2100-2200 Blk., Airport Blvd., 220' x 600', out-lot 50, Div. "B", located at intersection of Airport Boulevard and Manor Road	From "A" Residential To "C" Commercial Only 220' x 300' RECOMMENDED BY THE ZONING BOARD.
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The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

The Mayor 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 "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON: THE NORTHEAST 50' x 150' OF A 3-ACRE TRACT IN OUTLOT 17, BLOCK W, DIVISION "C" RIDGETOP FOURTH ADDITION, ALL 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 rule be suspended and the ordinance passed to its second reading. The motion carried by the following vote:

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

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 carried by the following vote:

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

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

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

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

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 COMMERCIAL 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 IN CONFLICT HEREWITH, AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED AND APPROVED BY THE CITY COUNCIL FEBRUARY 2, 1940, AND IS RECORDED IN BOOK "K", PAGES 595-600, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY ADDING A NEW SECTION TO BE KNOWN AS SECTION 7-A, PROVIDING FOR THE ISSUANCE OF LICENSES AND PERMITS BY THE CITY TAX ASSESSOR AND COLLECTOR UPON APPROVAL BY THE LAKE AUSTIN NAVIGATION BOARD AND COMPLIANCE BY THE APPLICANT OF THE TERMS OF THE ORDINANCE AND PROVIDING FOR APPEAL TO THE CITY COUNCIL IN THE EVENT OF DISAPPROVAL BY THE BOARD OR NON-COMPLIANCE OF THE ORDINANCE BY THE APPLICANT; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

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

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

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

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

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

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

The Mayor then announced the ordinance had passed finally.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Housing Authority of the City of Austin is applying to the Public Housing Administration in accordance with the provisions of the United States Housing Act of 1937, as amended, for a Preliminary Loan in the amount of \$154,000.00 to cover the costs of surveys and planning in connection with the development of not to exceed approximately 520 dwelling units of low-rent public housing; and

WHEREAS, it appears that there exists in the City of Austin a need for such low-rent public housing at rents within the means of low-income families, especially families of living or deceased veterans and servicemen, which need is not being met by private enterprise; and

WHEREAS, such a condition constitutes a menace to the health, safety, morals and welfare of the inhabitants of the City;

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

That the City Council of the City of Austin does hereby approve the Application of the Housing Authority of the City of Austin to the Public Housing Administration for a Preliminary Loan in an amount not to exceed \$154,000.00, to cover the costs of surveys and planning in connection with the development of not to exceed approximately 520 units of low-rent public housing in the City of Austin; and does hereby declare its intent, if the need is determined to exist, to enter hereafter into an agreement with said Housing Authority for the local cooperation by the City in the provision of said low-rent public housing which may be required by the Public Housing Administration pursuant to the United States Housing Act of 1937, as amended.

Which motion, duly seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

Councilman Drake offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the following named persons owed delinquent taxes to the City of Austin; and

WHEREAS, the City Assessor and Collector has collected the amounts shown herein for the years indicated:

Daniel E. Grubbs	1934 thru 1948	\$219.42
Frank Barnett, Jr.	1947, 1948	13.32
A. G. Schwarzer	1943	2.87
Joseph J. Braden	1942	10.70
Howard Blomquist	1939, 1940, 1941	3.29
Carl H. Blomquist	1946	2.00
K. L. Carter	1938 thru 1942	16.43
Leonard F. Riss	1944	6.23
Willie B. Bates	1942, 1944	9.65
Albert Parifio	1943	1.49
Hilton Nau	1941	10.31
Lloyd Drumm	1944, 1945, 1946	10.92
James B. Fincher	1940, 1942	12.97
Malcolm Beall	1942	1.50
Fred H. Brown	1938	3.38
Mike Breneman	1945, 1946	11.14
Claude Adcock	1936 thru 1942	20.04
Joe Bowling	1946	2.75
T. W. Phillips	1946	3.75
C. B. Belk	1939, 1943, 1945, 1946	11.27
		<u>\$373.43</u>

and,

WHEREAS, on the above accounts penalties and interest in the sum of \$52.36 was collected

THEREFORE, be it resolved by the City Council that the Tax Assessor and Collector be and is hereby authorized and directed to clear the above accounts as paid for all years indicated.

Which motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Miller

Noes: None

Absent: Councilman MacCorkle

Councilman Johnson 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 9' x 6' x 7' gas regulator pit in EAST 20 $\frac{1}{2}$ STREET, the centerline of the 9-foot axis to be 8 feet east of the east line of Oldham Street, and the centerline of the 6-foot axis to be 6 feet north of the south line of EAST 20 $\frac{1}{2}$ STREET.

(2) A 9' x 6' x 7' gas regulator pit in EAST 31ST STREET, the centerline of the 9-foot axis to be 17 feet east of the east line of East Avenue, and the centerline of the 6-foot axis to be 5.5 feet north of the south line of EAST 31ST STREET.

(3) A 9' x 6' x 7' gas regulator pit in HAWTHORN STREET, the centerline of the 9-foot axis to be 10.5 feet east of the east line of East Avenue and the centerline of the 6-foot axis to be 10 feet north of the south line of Hawthorn 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 back filling 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.

Which motion, duly seconded, carried with the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

COUNCILMAN LONG stated she had numerous complaints about the airplanes buzzing over the City, and inquired as to what the City could do. The City Manager stated to advise the citizens to report their numbers if they could obtain them, to the C. A. A. Inspector at the Airport, or identify the plane if possible, and that the C. A. A. is very strict and will either ground the plane or revoke the pilot's license.

The Council received the following letter from W. W. Bennett, Bennett Boat Docks, dated August 17, 1949:

"In compliance with Mr. O'Quinn's request, I hereby make application for a change in the city ordinance which prohibits building docks more than 50 feet from the bank; it was requested that I furnish plans etc and other data to justify what I am proposing to do. In this connection I wish to advise as follows:

"Mr. Max Starke and others have suggested that I plan some changes in the plan I had in mind; in accordance with these suggestions I am making some changes and have not as yet been able to have drawings made. For this reason, I ask that you defer consideration of this matter until I can get these changes made and confer with Mr. Starke. I trust that this will meet with your approval. As soon as I can complete this for your approval I shall do so.

"Thanking you for this, I am

Very truly,
(Sgd) W. W. Bennett

Councilman Drake moved that action on this be deferred until the following meeting. The motion, duly seconded, carried by the following vote:

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

There being no further business, the Council upon motion duly seconded and carried, adjourned at 3:30 P.M. subject to the call of the Mayor.

Approved: Taylor Glass
Mayor

ATTEST:

Eliza Hooley
Acting City Clerk