

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 3, 1949
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Glass presiding.

Roll Call:

Present: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Absent: None

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

The Council greeted students from Allen Junior High School and University Junior High School, who were visiting the Council in the interest of their studies of government.

The minutes of the previous meeting were read; and upon motion of Councilman Long, seconded by Councilman Drake, were approved by the following vote:

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

MR. ELMER DENSON appeared before the Council requesting the City Council to get an option on the ST. JOHNS BAPTIST ORPHANAGE 300 acre tract of land for public parks and playgrounds for the northern part of the City.

ROGER DALE HOVIS appeared before the Council appealing the administrative decision of his application to drive a taxi-cab. As the applicant was only 20 years of age and had a police record, Councilman Long moved that the Council accept the recommendation of the Chief of Police and City Manager and not grant the permit. The motion, seconded by Councilman Drake, carried by the following vote:

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

The City Manager submitted the following memorandum from the Director of Public Works under date of November 1, 1949:

"Memorandum to: Guiton Morgan, City Manager

"Memorandum from: C. G. Levander, Director of Public Works

"Following is a tabulation of the bids received November 1, 1949 at 10:00 a.m. for the construction of a reinforced concrete culvert on Speedway at Waller Creek, north of 45th Street:

<u>Contractor</u>	<u>Total Bid</u>	<u>Working Days</u>
Richard Schmidt & Son	\$ 8,343.65	50
Luther A. Turner & Son	8,810.90	60
McKown & Sons	9,117.40	60
B. L. McGee	9,667.81	60
J. C. Gilstrap	9,714.47	50
J. F. Johnson	9,855.34	60
E. B. Snead Construction Co.	10,096.28	100
Collins Construction Co.	10,143.46	90
J. Cody Boyd	10,492.53	60
John Broad Construction Co.	10,998.45	50
Austin Engineering Co.	11,166.62	35

"Richard Schmidt & Son are low bidders on this project and I recommend that they be awarded the contract.

"Our estimate was \$9,000.00.

(S) C. G. Levander.

The City Manager recommended that RICHARD SCHMIDT & SON be awarded the contract.

Councilman Drake offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the Department of Public Works on November 1, 1949 for the construction of a reinforced concrete culvert on Speedway at Waller Creek north of 45th Street; and

WHEREAS, the bids are shown on the report attached; 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 execute a contract with Richard Schmidt & Son for the construction of this culvert on the basis of their bid of \$8,343.65.

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

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

MR. JAY BROWN appeared before the Council requesting that the street line be established on the east side of Guadalupe between West Second and West First Streets, as there are differences in the lines as established by the old, incorrect maps of the original city of Austin.

The Mayor introduced the following ordinance:

AN ORDINANCE ESTABLISHING THE EAST LINE OF GUADALUPE STREET AS THE LINE OF SAID STREET ABUTS LOTS NOS. 1 AND 12, IN BLOCK NO. 3, IN THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; WAIVING ANY CLAIM WHICH THE CITY OF AUSTIN MAY HAVE FOR ANY REAL OR SUPPOSED ENCROACHMENT ON SAID GUADALUPE STREET; 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, 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 Long 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 Long 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
Noes: None

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

MR. NICK HORNSBY, President of the North Austin Civic Club, appeared before the Council to express the appreciation of the people of North Austin to the Council, the City Manager, Mr. Albert Davis and Mr. C. G. Levander, for all the improvements that have been made in north Austin.

Councilman Drake, 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 of 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 ROOSEVELT AVENUE, from a point 988 feet north of Houston Street, northerly 38 feet, the centerline of which gas main shall be 17 feet west of and parallel to the east property line of said ROOSEVELT AVENUE.

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

(2) A gas main in CONCHO STREET, from East 4th Street northerly 193 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said CONCHO STREET.

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

(3) A gas main in EAST 18TH STREET, from Cedar Street easterly 118 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said EAST 18TH STREET.

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

(4) A gas main in BRENTWOOD STREET, from a point 317 feet east of Guadalupe Street easterly 184 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said BRENTWOOD STREET.

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

(5) A gas main in GOODNIGHT LANE, from a point 180 feet west of Arroyo Seca westerly 40 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said GOODNIGHT LANE.

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

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 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.

Which motion, duly seconded by Councilman Johnson, carried by the following vote;

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

Councilman Long introduced the following ordinance:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "AN ORDINANCE ESTABLISHING THE SPEED LIMIT FOR MOTOR VEHICLES IN THE CITY OF AUSTIN AND ESTABLISHING THE MAXIMUM, REASONABLE, AND PRUDENT SPEED LIMIT ON CERTAIN DEFINED STREETS; PROVIDING A PENALTY FOR THE VIOLATION OF SAME; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN SEPTEMBER 2, 1948, AND IS RECORDED IN BOOK "N", PAGES 291-293, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 2 RELATING TO SPEED LIMITS ON CERTAIN STREETS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

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 duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
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, duly seconded, carried by the following vote:

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

The ordinance was read the third time, and Councilman Johnson moved that it be finally passed. The motion, duly seconded, 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.

Councilman Long 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 22(e) OF ARTICLE IV RELATING TO ONE-HOUR PARKING LOCATIONS; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

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, duly seconded, carried by the following vote:

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

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, duly seconded, carried by the following vote:

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

The ordinance was read the third time, and Councilman Drake moved that the ordinance be finally passed. The motion, duly seconded, 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.

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the University of Texas, acting by and through C. D. Simmons, Vice President and Comptroller, owner of that certain tract of land situated on the east side of Guadalupe Street and extending from West 21st Street to West 24th Street in the City of Austin, Travis County, Texas, has made application to the City Council of the City of Austin for permission to construct a driveway across the east sidewalk area of Guadalupe Street at a location north of West 22nd Street;

WHEREAS, a plan has been prepared showing the location of said driveway, which plan is hereto attached and made a part hereof; and

WHEREAS, said plan and request has been reviewed and considered by the City Council of the city of Austin; therefore,

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

THAT the University of Texas, acting by and through C. D. Simmons, Vice President and Comptroller, owner of that certain tract of land situated on the east side of Guadalupe Street and extending from West 21st Street to West 24th Street, in the City of Austin, Travis County, Texas, is hereby permitted to construct a driveway across the east sidewalk area of Guadalupe Street at a location north of West 22nd Street, subject to the construction of concrete ramps, curbs, driveways, sidewalks and expansion joints as shown upon the plan hereto attached, which plan is hereby made a part of this resolution, and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the Director of Public Works of the City of Austin and in accordance with lines and grades furnished by the Department of Public Works of the City of Austin.

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

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

Councilman Long 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 DISTRICT AND THIRD HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND THIRD

HEIGHT AND AREA DISTRICT ON THE EAST HALF OF LOTS 11 AND 12, BLOCK 173, ORIGINAL CITY, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES 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, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
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 duly seconded, carried by the following vote:

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

The ordinance was read the third time, and Councilman Johnson moved that the ordinance be finally passed. The motion duly seconded, 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 brought up a question earlier asked by KENNETH DAVIS in regard to the set-back on his property on East Avenue. The City Manager stated the Zoning Ordinance amendment was passed on April 28, 1949, and included Mr. Davis' property changing it from "A", First Height and Area District, which carried an automatic 25' set-back, to "C" Commercial, First Height and Area District, also carrying a 25' set-back. He stated the ordinance provided that all the property included in this change was subject to the building line requirements of 25' from the right-of-way; and before the ordinance was voted on, all applicants agreed to this set-back. He stated he would explain this to MR. DAVIS.

Councilman Long stated she had had complaints that people could not get straight lines from the Telephone Company, although they could get business lines. She moved that the City Manager obtained a progress report from the Telephone Company as to how it is progressing with furnishing straight lines to citizens requesting them and how it is progressing on the new building, etc. The motion, seconded by Councilman Johnson, carried by the following vote:

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

MR. JAMES GOW appeared before the Council to thank all the people of Austin for their help in rescuing his son, Bobby, from the pipe when he fell into it. He stated they were strangers in Austin, and thanked everybody that came to their assistance when they needed it the most.

Councilman Long moved that the following application for change of zoning, after having been heard and considered by the Zoning Board of Adjustment, be set for public hearing on November 23, 1949, at 2:30 P.M.

E. L. G. ALEXANDER	Lot 5, Blk. 2, McKinley Heights, Addition #4, 1807 McKinley Avenue	From "A" Residential To "C" Commercial NOT Recommended by the Zoning Board of Adjustment.
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The motion, seconded by Councilman Johnson, carried by the following vote:
 Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
 Noes: None

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

S. R. FULMORE, Agt.	3500, 3600, & 3700 Blocks on Lamar Boulevard, both sides of the street	From "A" Residential To "C" Commercial
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The motion, seconded by Councilman Johnson, carried by the following vote:
 Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
 Noes: None

Deferred from the meeting of October 27, 1949, was the application of the following:

STANLEY S. SMITH	1510 East Avenue	From "B" Residential To "C" Commercial
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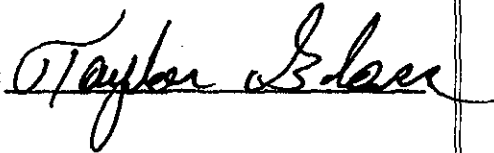
Property owners adjoining this property, 1504, 1506, and 1508 East Avenue, had requested the Council to post pone their vote on the above request until this date to give them an opportunity of deciding whether or not they wanted their property changed in accordance with the Zoning Board of Adjustment recommendation that it be included with Mr. Stanley S. Smith's request for change. The property owners appeared before the Council with a statement that they did not want their property changed, and opposed the requested change of Mr. Smith. Councilman Drake, in view of the Zoning Board's recommendation that the requested change of the property at 1510 East Avenue be granted, moved that the Council uphold the Zoning Board in its recommendation. Councilman Long seconded the motion, and it carried by the following vote:

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

The City attorney was then instructed to draw up the necessary ordinance covering only the property of STANLEY S. SMITH, 1510 East Avenue.

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

APPROVED:



ATTEST:


City Clerk