

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 1, 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; C. G. Levander, Director of Public Works; R. D. Thorp, Chief of Police.

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

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

MRS. ERIC ANDERSON, 1906 Oldham Street, appeared before the Council, submitting a petition with approximately 300 signatures asking that the Council rescind the action taken at the last meeting of removing the tower light from 19th Street and East Avenue. The City Manager asked the Director of Utilities to state the plans for lighting that area. MR. SEAHOLM explained that in lieu of the tower-light, more modern and much better lighting will be substituted. There will be 17 sectional lights at intersections, which will be more efficient. He stated those living direct under the tower, would not have more light; but those living in that vicinity would have much better lighting than that furnished by the tower. The Mayor stated he believed the residents in this area would be pleased with the new lighting, and he knew of no other way Zilker Park could ever be lighted; and that it looked now, as if this reerecting of the tower in Zilker would solve that problem.

MR. H. A. DUNN appeared before the Council to thank the Mayor and the Council and the people of Austin for their participation in sending over 75,000 books to the Phillipines; that it was a wonderful project and appreciated very much in that part of the world.

DR. E. P. SAVAGE appeared before the Council stating the dog quarantine ordinance had defeated its own purpose, as people would not have their dogs vaccinated and then keep them fenced up. The Mayor stated about 15,000 stray dogs had been destroyed; and it would always be necessary to have all dogs wearing vaccination tags and licenses. DR. KENNETH YOUNG, State Health Department spoke stating if the vaccination ordinance were taken off, the old ordinance should have strict enforcement. The Mayor brought out that both Dr. Young and Dr. Savage had recommended this quarantine and now they are recommending that it be discontinued. The Mayor stated the quarantine ordinance would run out in the next 30 days. It was decided to wait until about the middle of December, and get a recommendation from the Health Officer and Police Department; and enforce the old ordinance. Councilman Long suggested that the veterinarians who vaccinate dogs and know of cases where people will not pay the city tax, to furnish the city with a list of those persons.

MR. J. M. ROWLEY appeared before the Council with two petitions, the first being a request to make Hampton Road between 32nd Street and Harris Avenue a one-way street to the South between the hours of 8:00 and 9:00 A.M. and between 2:00 and 4:00 P.M. on regular school days. It was asked if there would be objection to making it a one-way street all the time, but it was brought out that the people living there would object to that; but for the safety of the school children, all were in favor of a one-way street during the school hour rushes. It was brought out that the bus might have to be re-routed. There was a suggestion made that "One-way" signs could be placed during these hours, and removed by the Patrolman on duty, or the Safety Patrol. Councilman Long moved that the City Manager be instructed to check into this with the Traffic Department, and have a recommendation ready for the next meeting on December 8, 1949. The motion, seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

MR. J. M. ROWLEY presented his second petition, requesting a traffic light at the intersection of 32nd Street and Red River; that the situation was very bad now and the children could hardly cross; but when East Avenue is closed for construction, it will be much worse. The Mayor stated the Council would make a study of this and let Mr. ROWLEY know in about two or three weeks; that it might be possible to schedule a light there before the next term of school in September.

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

Ayes: Councilmen Drake, Johnson, Long, 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 be passed to its third reading. The motion, seconded by Councilman Johnson, 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, seconded by Councilman Johnson, carried by the following vote:

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

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its underground telephone conduits in the City of Austin hereafter named, and said maps or plans have been considered by the Director of Public Works; therefore

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

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THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its underground telephone conduit in the following streets:

(1) An underground telephone conduit in WEST 42ND STREET, from Guadalupe Street easterly 210 feet, the centerline of which underground telephone conduit shall be 9 feet north of and parallel to the centerline of said WEST 42ND STREET.

THAT the work and construction of said underground telephone conduit, including the excavation of the streets and the restoration and maintenance of said streets after said underground telephone conduit have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

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

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

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, there is a certain street within the City of Austin, known as Jackson Avenue, which street is shown upon the map or plat of Happy Hollow of record in Book 3, page 227 of the Plat Records of Travis County, Texas and

WHEREAS, Jackson Avenue is only 175 feet in length; and

WHEREAS, Jackson Avenue is a continuation of Happy Hollow Lane; and

WHEREAS, the abutting property owners of the aforementioned street have petitioned the City Council of the City of Austin to change the name of Jackson Avenue to Happy Hollow 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 Jackson Avenue as referred to above be known and designated as Happy Hollow Lane.

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 Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Mrs. Louis C. Steinbach, Jr., has made application in writing for permission to use and maintain in her residence an institution of an educational nature (kindergarten and nursery school), complying with all City and State regulations, on Lot 6, Block 172, of the Original City of Austin, Travis County, Texas, the same being on the southeast corner of the intersection of Congress Avenue and East 15th Street and locally known as 1409 Congress Avenue and is located in a "B" Residence District which, under Section #5, Item #7 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 institution of an educational nature at the location described above be granted to Mrs. Louis C. Steinbach, Jr.

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

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

The City Manager presented the request of the Austin Pioneers to use Down's Field for their spring training. He stated this had been checked with the Black Pioneers' Manager, and with GEORGE MABSON, and with the Recreation Department, and all arrangements are satisfactory; that there will be no charges made, except for some exhibition games. Councilman Johnson moved that the recommendation of the City Manager be accepted and that the Austin Pioneers be granted permission to use DOWN'S FIELD as a practice field during that season, and all details to be worked out with the City Manager. The motion, seconded by Councilman Drake, carried by the following vote:

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

REV. H. T. BRANCE presented the Council with additional petitions endorsing the Housing Project to be constructed on the St. John's Association property, to be added to the petitions filed previously. The Council accepted these petitions and added them to the others already on file.

Councilman Long moved that the following resolution, introduced at the meeting of November 23, 1949, and filed with the City Clerk since that date, be adopted:

(RESOLUTION)

WHEREAS, by ordinance duly passed on October 13, 1949, recorded in Book "O", at page 358, of the Ordinance Records of the City of Austin, the City Council ordered the permanent improvement of certain portions of public streets designated therein, by excavating, grading and paving the same, by the installation of drainage facilities therein, and by the construction of curbs and gutters where required, in accordance with plans and specifications on file with and approved by the City Council; and,

WHEREAS, pursuant to said ordinance, the City Manager advertised for bids for such improvement work, and bids were received and opened, all as provided by the Charter of the City of Austin and the laws of the State of Texas; and,

WHEREAS, the bid of Collins Construction Company in the amount of Three Hundred Thirty-seven Thousand Three Hundred Eighty-Five Dollars and Seventy Cents (\$337,385.70) was the lowest and best responsible bid, and the City Council has awarded to Collins Construction Company the contract for such construction work; and,

WHEREAS, the contract form and contract documents, including the performance bond required by the agreement and by law, have been executed by contractor; and,

WHEREAS, the Director of Public Works has estimated that the part of the contract price for such work to be paid by the City of Austin is the sum of One Hundred Thousand One Hundred Thirty-One Dollars and Eight Cents (\$100,131.08), Now, Therefore,

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

That the form and substance of the contract and contract documents heretofore executed by Collins Construction Company providing for the work above described be, and the same are hereby approved, and the City Manager is hereby authorized and directed to execute the same on behalf of the City of Austin.

That the performance bond accompanying said contract and executed by Collins Construction Company be and the same is accepted and approved.

That the sum of \$100,131.08 be and the same is hereby appropriated from general funds of the City set apart in the current budget for street improvements, to defray the part of the cost of construction under such contract which is to be paid by the City of Austin.

That the Director of Public Works of the City of Austin be, and he is hereby directed to prepare and file with the City Clerk estimates and rolls as required by law for each street unit to be so improved, showing thereon the total estimated cost of the improvements in each such unit, and showing in detail the description of each parcel of property abutting thereon, together

with the names of the apparent owners thereof, the number of front feet of each parcel of property, and the amount to be assessed against the same, and such other pertinent information as may be required by law.

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

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

Mayor Glass introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING THE OPERATION OF TAXICABS AND TAXICAB DRIVERS IN THE CITY OF AUSTIN UNDER THE DIRECTOR OF PUBLIC SAFETY; PRESCRIBING LICENSE FEES FOR TAXICABS AND DRIVERS THEREOF; LICENSING AND REGULATING TAXICAB TERMINAL OPERATORS; PRESCRIBING PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING A SAVING CLAUSE; REPEALING CONFLICTING ORDINANCES, EXCEPTING CERTAIN JITNEY ORDINANCES; AND DECLARING AN EMERGENCY", WHICH WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN DECEMBER 15, 1938; AND RECORDED IN ORDINANCE BOOK "K", PAGES 440-452, BY AMENDING SECTION 13 (a), PARAGRAPH 1, RELATIVE TO THE AGE REQUIREMENT FOR DRIVERS OF TAXICABS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Johnson moved the passage of the ordinance. The motion was seconded by Councilman Long, and the ordinance was passed to the second reading by the following vote:

Ayes: Councilmen Johnson, Long, Mayor Glass

Noes: Councilman Drake

Absent: Councilman MacCorkle

There being only four members of the Council present and only three affirmative votes, Mayor Glass announced that the rule requiring the reading of the ordinance on three separate days could not be suspended, and that the ordinance would be presented for a vote on second reading at the next regular meeting of the Council.

MR. PETE LUDWIG appeared before the Council regarding the building lines of a church at Brushy and Second Streets. This was a matter to be considered by the Building Inspector and the City Attorney was instructed to take Mr. Ludwig to the Building Inspector's office and go over the matter with him.

MRS. M. E. JACKSON, 608 Rio Grande, came before the Council in the interest of the CHRISTIAN ARMY stating the Christian Army had helped her when she was in need of help, and she knew of the many cases where they had been of help to others. She stated that they had a Chappel, and held Sunday School and Church services. She was interested in their solicitations for money for their Army.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

That Guiton Morgan, City Manager, be and he is hereby authorized and directed, in behalf of the City of Austin, to execute an option contract with the TEXAS VACATION VILLAGES, INC., for the sale of approximately four hundred (400) acres of Lake Austin Metropolitan Park for the consideration of Forty-Six Thousand Five Hundred Dollars (\$46,500.00), in accordance with the terms, conditions and restrictions of that certain resolution pertaining to the same subject adopted by the City Council September 8, 1949, and recorded in the Minutes of the City Council in Book 25, at pages 535-537.

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

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

Councilman Drake moved that the following applications for change of zoning be set for Public Hearing at 11:00 A.M., December 22, 1949:

HERMAN BROWN, et al By Paul O. Simms	2700 Block, Exposition Blvd., Lots 34-44; Blk. 4, Herman Brown Addition	From "A" Residential To "C" Commercial RECOMMENDED by the Zoning Board of Adjust- ment.
D. C. BRADFORD	1704-1718 Barton Springs Road, being located be- tween Barton Springs Road and Toomey Road, about 150' east of Sterzing.	From "A" Residential To "C" Commercial RECOMMENDED by the Zon- ing Board of Adjustment.
J. R. JOHNSON	108 Academy Drive Blks. 75 & 76, Fairview Park	From "B" Residential To "C" Commercial RECOMMENDED by the Zon- ing Board of Adjustment.

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 applications be referred to the Zoning Board for consideration and recommendation:

H. F. KUNZ	107 East Avenue	From "A" Residential To "C" Commercial
E. M. VanDYKE	913 East 12th	From "A" Residential To "B" Residential

The motion duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

Action on the following applications, publicly heard November 23, 1949, was deferred until this date, December 1, 1949:

KENNETH R. LAMKIN,
Atty for ELBERT VanDYKE

1100 Blk., north side
of E. 11th between
Waller & Lydia Sts.

From "C-1" Commercial
To "C-2" Commercial
NOT Recommended by the
Zoning Board of Adjust-
ment.

Councilman Long moved that the recommendation of the Zoning Board of Adjustment be sustained and the change not granted. The motion, seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

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W. E. PHILLIPS

1207 Chicon

From "C" Commercial
To "C-1" Commercial
NOT Recommended by
the Zoning Board of
Adjustment.

Councilman Johnson moved that the recommendation of the Zoning Board of Adjustment be sustained and the change not granted. The motion seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

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Public hearing, deferred from the previous meeting, was held on the following application at 11:00 A. M. this date:

MRS. W. H. MILES, et al

2500 Blk. of San
Antonio W. $\frac{1}{2}$ of lots
bounded by San Antonio,
Guadalupe, West 25th
and W. 26th Streets

From "C-1" Commercial
To "C" Commercial
RECOMMENDED by the Zoning
Board of Adjustment.

Those appearing for the change were MR. AND MRS. W. H. MILES, MR. STEWART SMITH, President, Sigma Alpha Epsilon Fraternity; MRS. CARL CARLSON, MRS. HELEN M. KIRK, MR. J. W. SAXON, MR. & MRS. J. P. MONEYHON, stating the traffic situation on this narrow street was extremely bad; that if a beer establishment were permitted, the traffic would be worse, there would be more noise which would not be conducive to study by all the students in the neighborhood; the value of the property would not be enhanced. MR. F. D. KUYKENDALL appeared for MR. CHARLES and MR. PETE BALAGIA in opposition to the change, stating this area was C-1 for many years; and under the zoning regulations and in full compliance with all regulations of the City they obtained a license to sell beer at this location and had quite a lot of money invested; and asked the Council to leave the zone as it is; or if it is changed, that provision be made that the Balagias continue with their business as they were authorized to do when they obtained a permit from the City. The City Attorney gave a detailed history of the rezoning of this property in 1941. At the conclusion of the hearing, and after all speakers had been heard, Mayor Glass stated that members of the Council in favor of making the change in zoning as requested by the proponents vote "aye", and those opposed to the change vote "no". The question was then put to the Council and resulted in the following vote:

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

After discussion, Councilman Long moved that the Council reconsider the vote by which it refused to change the zoning. The motion was seconded by Councilman Drake, and carried by the following vote:

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

Councilman Long moved to rescind the action of the Council in refusing to make the zoning change of the above application. The motion, seconded by Councilman Drake, carried by the following vote:

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

Councilman Long moved that all the property in the west 1/2 of the 2500 block of San Antonio, bounded by San Antonio, Guadalupe, West 25th and West 26th Streets, with the exception of the Balagia property where he has constructed a new building, revert back to "C" Commercial. The motion seconded by Councilman Drake, carried by the following vote:

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

There being no further business, Councilman Drake moved that the Council recess subject to call of the Mayor. The motion, duly seconded, carried by the following vote:

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

The meeting then recessed at 12:15.

APPROVED:

Taylor Glass
Mayor

ATTEST:

Elin Woolley
City Clerk