

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 25, 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, White, Mayor Drake
Absent: None

Present also: W. T. Williams, Jr., City Attorney; C. G. Levander, Director of Public Works; D. C. Kimney, Superintendent of the Electric Department; Albert Davis, Water Superintendent; Robert L. Burns, First Assistant City Attorney; Clifton Speir, Assistant City Attorney; A. L. Ullrich, Superintendent of the Filter Plant; Terrell Blodgett, Administrative Assistant.

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

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

The Council welcomed and greeted the 12th Grade Civics Class.

The Council had before it the application of MRS. HENRIETTA RADER for permission to use and maintain in a residence a home for the aged at 901 West Avenue. MR. WILLIAM J. KOEN represented the opposition, and asked that this request not be granted. MR. A. B. ROSSEN and MR. O. ASHLEY spoke in favor of something being done to care for the aged. The Mayor explained the Health Officer was preparing some recommendations now to present to the Council; and that Churches were being asked to sponsor well-run homes. Councilman MacCorkle moved that the application be denied. The motion, seconded by Councilman Long, carried by the following vote:

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

MR. WILLIE BARTEE explained the water situation in the St. John's addition, stating the Water Department was ready to furnish water on Providence Avenue when the owners put up the deposit for the taps and when there were a sufficient number of applications so that there would be at least one customer for every 100 feet of pipe. He stated the group wanted to have the water extended on three other streets. MR. ALBERT DAVIS had only one application; and under the policy, he could not go on unless he had enough applications. Councilman Long inquired if while he was working on Providence Avenue, wouldn't it be more economical to do the other streets at the same time. Mr. Davis explained the money was running short for this year. MR. BARTEE was requested to tell the people on Providence to go ahead and put their deposits up for the water on their street, and the Council would see if it could do something to help get the water to the other streets.

MR. ED CLARK, Attorney for the Southwestern Bell Telephone Company, after having sent a written request to the Council, asked the Council to give the Telephone Company an opportunity to discuss the Owsley report and recommended schedule of rates with the Council, or an opportunity to go over the report with the Council and with Mr. Owsley. Councilman Long believed the rate that Mr. Owsley suggested was based on Exhibit VI, which was in the transcript, and she suggested if the hearing were reopened, that the Council appropriate more money and really go into the matter, as she would like to see the Council bring in more evidence to prove that the Telephone Company now had a sufficient rate. Councilman MacCorkle felt the Company should have an opportunity to hear Mr. Owsley and any explanations he might make; as when the report was received, members of the press were present and certain members of the public were there, but the Telephone Company was not present. Councilman White did not think the Company would gain anything, as they would not change Mr. Owsley's mind after he had given the report. The Mayor feared that the people would have a higher rate than that proposed if the matter ever went into the Courts. Councilman MacCorkle moved that Mr. Owsley be invited to meet with the Council and representatives of the Telephone Company and such other individuals that would appear in a public hearing. The motion, seconded by Councilman Johnson, carried by the following vote:

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

No action was taken on the application of SIGMA PHI EPSILON ALUMNI CORP. for nursery school at 2610 Rio Grande as some of the Council members wanted to make a personal inspection of the property.

Councilman MacCorkle 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 gas main in VARGAS ROAD, from a point 106 feet north of Felix Avenue northerly 40 feet, the centerline of which gas main shall be 7.5 feet east of and parallel to the west property line of said VARGAS ROAD.

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

(2) A gas main in RADAM LANE, from the east property line of James Casey Street westerly 8 feet, the centerline of which gas main shall be 6 feet south of and parallel to the north property line of said RADAM LANE.

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

(3) A gas main in JAMES CASEY STREET, from St. Elmo Road to Radam Lane, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said JAMES CASEY STREET.

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

(4) A gas main in ST. ELMO ROAD, from a point 135 feet west of James Casey Street easterly 1009 feet, the centerline of which gas main shall be 6.5 feet north of and parallel to the south property line of said ST. ELMO ROAD.

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

(5) A gas main in SOUTH 3RD STREET, from St. Elmo Road southerly 960 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of SOUTH 3RD STREET.

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

(6) A gas main in SOUTH 2ND STREET, from St. Elmo Road southerly 847 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said SOUTH 2ND STREET.

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 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 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.

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, there is a certain street within the City of Austin, known as Walnut Street, a portion of which street is shown upon the map or plat of Cherrywood Annex of record in Book 5, Page 139 of the Plat Records of Travis County, Texas; and Morley Addition of record in Book 5, Page 178 of the Plat Records of Travis County, Texas, the remaining portion of which street is shown upon the map or plat of Forest Hills D of record in Book 6, Page 26 of the Plat Records of Travis County, Texas; and

WHEREAS, the abutting property owners on the aforementioned street have requested the City Council of the City of Austin to change the name of Walnut Street to Hemlock Avenue; and

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

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

THAT Walnut Street as referred to above be known and designated as Hemlock Avenue.

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

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on September 5, 1952, the City of Austin received bids for Electric Motor Starters and Power Centers for Water Works Improvements, such bids being as follows:

General Electric Supply Company	\$52,398.00
San Antonio Machine & Supply Company	\$52,358.00
Westinghouse Electric Corporation	\$49,546.40
Leonard Southwest Mfg. Co.	\$40,000.00

and,

WHEREAS, the bid of Westinghouse Electric Corporation in the sum of \$49,546.40 was the lowest and best responsible bid, and the acceptance of such bid has been recommended by the Engineers, Freese and Nichols, the Superintendent of the Electric Division of the City of Austin, and by the City Manager; Now, Therefore,

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

That the bid of Westinghouse Electric Corporation in the sum of \$49,546.40 be and the same is hereby accepted, and W. E. Seaholm, City Manager of the City of Austin, is hereby authorized and directed to execute a contract on behalf of the City of Austin with Westinghouse Electric Corporation for the purchase of Electric Motor Starters and Power Centers, in accordance with such bid.

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

Mayor Drake introduced the following ordinance:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED:
"AN ORDINANCE DECLARING THE NECESSITY FOR AND
ORDERING THE PAVING AND IMPROVEMENT OF CERTAIN
STREETS OR PORTIONS THEREOF IN THE CITY OF
AUSTIN, APPROVING PLANS AND SPECIFICATIONS FOR
SUCH WORK, AUTHORIZING THE CITY MANAGER TO
ADVERTISE FOR BIDS, DIRECTING THE PREPARATION
OF ESTIMATES, INVOKING THE PROCEDURE PROVIDED
BY ARTICLE XXIV OF THE CITY CHARTER AND CHAPTER
106 OF THE ACTS OF THE FIRST CALLED SESSION OF
THE 40TH LEGISLATURE OF TEXAS, DETERMINING THAT

A PART OF THE COSTS SHALL BE BORNE BY THE CITY AND THAT A PART SHALL BE BORNE BY THE ABUTTING PROPERTIES AND THE OWNERS THEREOF, PROVIDING FOR THE ASSESSMENT OF THE PORTION OF THE COSTS TO BE BORNE BY PROPERTY OWNERS, AND FOR THE FIXING OF A LIEN TO SECURE PAYMENT OF SUCH ASSESSMENTS; STATING THE TIME AND MANNER PROPOSED FOR PAYMENT OF ALL SUCH COSTS, DIRECTING THE CITY CLERK TO CAUSE A NOTICE OF THE ENACTMENT OF THIS ORDINANCE TO BE FILED IN THE MORTGAGE OR DEED OF TRUST RECORDS OF TRAVIS COUNTY, TEXAS, AND DECLARING AN EMERGENCY," SUCH ORDINANCE BEING DATED JUNE 19, 1952, AND RECORDED IN ORDINANCE BOOK "R", AT PAGES 430-433 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN: BY ADDING CERTAIN LANGUAGE TO SECTION 1 THEREOF AND BY DELETING CERTAIN LANGUAGE FROM SECTION 2 THEREOF; DECLARING AN EMERGENCY AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

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 White, carried by the following vote:

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake
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 White, carried by the following vote:

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

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

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

The Mayor announced the ordinance had been finally passed.

Mayor Drake introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE AMENDED ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED AND OF OTHER MATTERS RELATING THERE-

TO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE PORTION OF SAID COSTS PROPOSED TO BE PAID BY THE CITY OF AUSTIN, TEXAS; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PART OF SAID COSTS AP-PORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 9TH OF OCTOBER, 1952, IN THE COUNCIL CHAMBER OF THE CITY COUNCIL IN THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY, AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF SAID CITY; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON PASSAGE.

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 Long, carried by the following vote:

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

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

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

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

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

The Mayor announced the ordinance had been finally passed.

Mayor Drake brought up the following ordinance for its first 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 16.63 ACRES OF LAND, BEING A PORTION OF A 103.06 ACRE TRACT OUT OF THE GEORGE W. SPEAR LEAGUE AND THE GEORGE W. DAVIS SURVEY NO. 15, IN 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 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, White, Mayor Drake

Noes: None

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 AMEND-
ING SECTION 23(b) OF ARTICLE IV, RELATING TO
PASSENGER ZONE 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 White 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, White, Mayor Drake

Noes: None

The ordinance was read the second time and Councilman White 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, White, Mayor Drake

Noes: None

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

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake

Noes: None

The Mayor announced the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the sum of Five Thousand, Nine Hundred Seventy-one Dollars and Twenty Cents (\$5,971.20) be and the same is hereby appropriated out of funds not otherwise appropriated for the purpose of acquiring three lots on East Third Street for expansion of the Pan American Recreation Center, and for the necessary expenses involved in the acquisition of the A. G. Ferris Tract on Robert E. Lee Road for a riverside park.

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

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake

Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

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

That W. S. Drake, Jr., Mayor, be and he is hereby authorized and directed execute a deed on behalf of the City of Austin conveying to David F. Serrato and wife Lot 5, Block 8, Outlot 3, Division "O", in the City of Austin, Travis County, Texas.

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

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake

Noes: None

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin has received bids for Medical Gases, consisting of three thousand five hundred (3,500) cylinders of oxygen and seven hundred thirty six (736) cylinders of other gases; for Oxygen and Acetylene, consisting of two hundred (200) cylinders of oxygen and eighty five (85) cylinders of acetylene; and for Hydrogen, consisting of one hundred fourteen (114) cylinders of hydrogen; all of such amounts being the estimated usage requirements for the twelve (12) months beginning October 1, 1952, and ending September 30, 1953; and,

WHEREAS, the bid of Austin Oxygen Company in the sum of \$11,979.67 is the lowest and best bid for Medical Gases; the bid of Austin Oxygen Company in the sum of \$1,037.00 is the lowest and best bid for Oxygen and Acetylene; and the bid of Capitol Welding Company in the sum of \$433.20 is the lowest and best bid for Hydrogen; and the acceptance of such bids has been recommended by the City Manager; Now, Therefore,

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

That the bid of Austin Oxygen Company in the sum of \$11,979.67 for

Medical Gases be and the same is hereby accepted; that the bid of Austin Oxygen Company in the sum of \$1,037.00 for Oxygen and Acetylene be and the same is hereby accepted; and the bid of Capitol Welding Company in the sum of \$433.20 be and the same is hereby accepted; and the City Manager is hereby authorized and directed to purchase such items from such bidders in accordance with such bids.

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

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

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin has received bids for four hundred forty seven (447) batteries, being the estimated requirements for replacements for automobile, truck and implement batteries for the twelve (12) months beginning October 1, 1952, and ending September 30, 1953, and the bid of Jack Ritter Company in the sum of Five Thousand Nineteen (\$5019.14) Dollars and Fourteen Cents being the lowest and best responsible bid therefor; and,

WHEREAS, the City Manager has recommended that such bid be accepted,
Now, Therefore,

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

That the bid of Jack Ritter Company in the sum of Five Thousand Nineteen (\$5019.14) Dollars and Fourteen Cents for four hundred forty seven (447) batteries, being the replacement requirements estimated for replacements for automobile, truck and implement batteries for the twelve (12) months beginning October 1, 1952, and ending September 30, 1953, be and the same is hereby approved and accepted and the City Manager is hereby authorized and directed to purchase such batteries from the said Jack Ritter Company in accordance with such bid.

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

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin has received bids for 532,000 gallons of Gasoline in 2,900 gallon lots or more, and 42,000 gallons of Gasoline in deliveries under 2,900 gallons; for 33,000 gallons of Fuel Oil; for 30,000 gallons of Kerosene; and for Oil and Greases; the amounts of each item being the estimated usage requirements for the twelve (12) month period beginning October 1, 1952, and ending September 30, 1953; and,

WHEREAS, the bid of Jack Ritter Company in the sum of \$66,592.50 is

the lowest and best bid for the Gasoline; the bid of Heffington Petroleum Company is the lowest and best bid for the Fuel Oil, such bid being in the sum of \$3,432.00; the bid of Heffington Petroleum Company in the sum of \$3,450.00 is the lowest and best bid for the Kerosene; and the bid of Gulf Oil Company in the sum of \$7,809.19 is the lowest and best bid for the Oil and Greases; and the acceptance of such bids has been recommended by the City Manager; Now, Therefore,

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

That the bid of Jack Ritter Company in the sum of \$66,592.50 for Gasoline be and the same is hereby accepted; that the bid of Heffington Petroleum Company in the sum of \$3,432.00 for Fuel Oil and the bid of Heffington Petroleum Company in the sum of \$3,450.00 for Kerosene, be and the same are hereby accepted; and the bid of Gulf Oil Company in the sum of \$7,809.19 for Oil and Greases be and the same is hereby accepted; and the City Manager is hereby authorized and directed to purchase such items from such bidders in accordance with such bids.

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

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake

Noes: None

Mayor Drake brought up the following ordinance for its first reading:

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, MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY MAKING CERTAIN CHANGES HEREINAFTER STATED IN SECTION 10, SECTION 13, AND ARTICLE VI OF SAID ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH AND DECLARING AN EMERGENCY.

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, White, Mayor Drake

Noes: None

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

Ayes: Councilmen Johnson, Long, MacCorkle, White, Mayor Drake

Noes: None

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

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

The Mayor announced that the ordinance had been finally passed.

Pursuant to published notice thereof, the following applications for change of zoning were publicly heard:

CITY OF AUSTIN	1210 Barton Springs Rd.	From "A" Residence To "C-1" Commercial RECOMMENDED by the Zoning Commission 8-27-52
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No one appeared in opposition. The Mayor asked those who favored upholding the recommendation of the zoning Commission and granting the change and requesting the City Attorney to draw up the necessary ordinance to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

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

The Mayor announced that the change had been granted.

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MRS. MIKE ORTIZ	2501 East 7th Street	From "D" Industrial To "C-1" Commercial RECOMMENDED by the Zoning Commission 7-30-52 and 8-27-52
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No one appeared in opposition, but Councilman White stated MR. JOHN F. BOTELLO had asked him to voice his protest to the change. The Mayor asked that those who favored upholding the recommendation of the Zoning Commission, granting the change and requesting the City Attorney to draw up the necessary ordinance to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

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

The Mayor announced that the change had been granted by a three-to-two vote.

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MARVIN C. TURNER FRANK J. SMITH	501-07 West 9th Street	From "B" Residence To "C" Commercial RECOMMENDED by the Zoning Commission 8-27-52.
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No one appeared in opposition. The Mayor asked those who favored upholding the recommendation of the Zoning Commission and granting the change and requesting the City Attorney to draw up the necessary ordinance to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

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

The Mayor announced that the change had been granted.

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HENRY WIRE

2030 South Lamar

From "A" Residence
To "C" Commercial
RECOMMENDED by the Zoning
Commission 8-27-52.

MRS. WALITHA BECKER opposed the change on the grounds that there was a private street through the property; and if more commercial uses were granted, the traffic would cause more noise and more dust. She did not object to the warehouse, but did object to the private drive which would be used more. MR. WIRE stated it was his intention to pave this drive as soon as the gravel had time to settle. MR. FRED HASS opposed the change because of the drive through the property. He lived at such a location that everyone that turned at this drive turned their lights right in his bedroom. He objected to the traffic and noise and lights. MR. EDWARD SMITH opposed the change because of the drive, lights, traffic and dust. MR. R. E. PINKSTON spoke for Mr. Wire stating the warehouse would have nothing to do with the street, as it was there now. Councilman White asked Mr. WIRE if he were going to pave this drive and Mr. Wire stated he was. The Mayor asked that those who favored upholding the recommendation of the Zoning Commission and granting the change, and instructing the City Attorney to draw up the necessary ordinance to vote "aye"; those opposed to vote "no". Roll call showed the following vote:

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

The Mayor announced that the change had been granted.

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NORTHWAY CREST DEV. CO., 7601-7835 Lamar Blvd.
INC.

From "A" Residence
To "C" Commercial
1st Height & Area
7421-7549 Lamar Blvd. From "A" Residence
To "B" Residence
2nd Height and Area
RECOMMENDED by the Zoning
Commission 8-27-52

No one appeared in opposition. The Mayor asked that those favoring upholding the recommendation of the Zoning Commission and granting the change, and instructing the City Attorney to draw the necessary ordinance to vote "aye"; those opposed to vote "no". Rollcall showed the following vote:

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

The Mayor announced that the change had been granted.

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

H. L. BROOKS, HORACE POLLEY	2600 Block Manor Road	From "A" Residence To "C" Commercial
LLOYD W. TAYLOR	2501-2507 Manor Road	From "A" Residence To "C" Commercial
JACK H. KEY By Herman Jones	1501-05 Scenic Drive	From "A" Residence To "C" Commercial
ERNEST ROSNER	1512 Colorado St.	From "B" Residence To "C" Commercial

Public hearing was held on the proposed Anti-Noise ordinance. Those speaking for the ordinance had different complaints they wished to be covered in the ordinance. MRS. JAMES L. TELEFORD, 1008 Mayfield Lane, presented a petition objecting to the loud noises created at the Mildred Wicks Healing Campaign, but not on the religious activities. MRS. BOB LONG, 395h and Red River objected to the noises created by the trucks using Red River as a highway all night and she asked that the trucks be rerouted. MRS. J. M. JACOBSEN asked that the ordinance be drawn so that it could be enforced by the Police and not by the citizens having to file suit against each other. She was interested in seeing that the blowing of horns, noises from the hot-rods be taken care of, and adding power lawn mowers and airconditioning units to the list.

MRS. L. M. REYNOLDS complained of noise from the Mildred Wicks Campaign; noises from the dog hospital, from the drive-ins that had outside speakers until 12:00; and from a night club. MR. M. H. CROCKETT suggested leaving out of the ordinance the part pertaining to little dogs; but to add something that would prevent night-clubs from having outside dance terraces; and to do something to keep the steam shovels from operating at all sorts of hours. MR. JOSEPH LUCAS, 1704 E. 20 $\frac{1}{2}$, suggested something that would control the honking of horns in the early morning hours; that would keep down the noises from large apartment houses such as banging of doors, loud radios late at night and other disturbances. MR. B. F. McCOY, 501 Cater Drive, objected to the noise from the Play Park on Barton Springs Road stating the little train whistling could be heard constantly at long distances away, for 365 days a year. MRS. B. G. HUNT objected to the ringing of the bell

at St. Mary's Catholic School each morning from 6:15 to 8:15 and asked that surplus bell ringing be included in this ordinance. MR. J. W. MAYFIELD was hopeful that something could be done about the loud amplifiers from the Mildred Wicks Campaign.

Speaking against the Anti-noise ordinance was MR. BYRON LOCKHART, representing BILL ELLIS, 1623 Garden. He was for parts of the ordinance, but was speaking in this instance against the section pertaining to Sound trucks, as now set up. He wanted an anti-noise ordinance, but they were in favor of one that was definite and that could be enforced and that a person would know he was violating the ordinance. He asked for an opportunity to work with the City Attorney on this part of the ordinance. MR. BILL ELLIS noted no one had mentioned being annoyed by sound trucks in this hearing. He outlined the business conducted by sound trucks, and how out-of-town or one-day sound amplifiers sometimes abused the ordinance and time limits. He suggested standardized equipment to be included; a distinction of commercial sound equipment and an individual sound truck. He offered his services for technical advice. As to fees, he would not mind paying a higher fee if it would eliminate the one-day person who comes in town and leaves. MR. MOTON H. CROCKETT, JR., did not object to the fees nor the operating hours, but he thought it unfair to lighten the burden on the politicians by this small fee. He did not believe the ordinance was certain enough for them to know when they were operating under the law. He asked that the ordinance not limit the sound operators out of business. MR. FRED CALDWELL complained of the definitions in the ordinance as being complicated; wondered how the ordinance would be enforced at Thanksgiving games and other gatherings; felt it would put the newsboys, sound equipment men, etc., out of business. MR. JIM PRICE asked that the original ordinance contain, "it shall be unlawful for any person to make any loud noise which is reasonably calculated to disturb others." He pointed out how the proposed ordinance affected manufacturers, outside paging systems, House Park, the University Stadium, the playing of Christmas carols, etc. He suggested that the Council appoint a committee from different groups to study the technical aspects to write an ordinance that would be fair technically, and suggested MR. CURTIS ANDERSON with the City who was a sound expert to be on this committee. MR. M. H. CROCKETT asked that the sound trucks be left alone, and he suggested that they operate on certain streets. MR. E. B. NORWOOD, 5608-10 Dallas Highway, asked that the part pertaining to birds be left out. MR. LOUIS HIRSCH, BLUEBONNET BAKERY, asked consideration of the factories that must work at night and that the noise be considered in this ordinance, as they were in commercial zones. MR. FRANK TANNEHILL asked that birds be left out. MRS. E. E. GALBRAITH, 1902 W. 7th, asked that birds be left out of the ordinance. The Mayor announced that all had agreed that an anti-noise ordinance was necessary, and had thrown in some good suggestions, and the people would be notified when the matter came up again.

MR. GILLIS C. JEFFERSON, 1003 E. 13th Street, reported a bad drainage problem in the 1000 block of East 13th, and displayed pictures. He stated it was caused by one of the property owners filling in his property and throwing more drainage water out in the street. The Director of Public Works stated the matter

was under study right now, as there were some legal questions to be considered. The City Attorney explained the City's position, but at this time nothing had been worked out yet. The matter was referred to the City Manager to check into and get an answer by next week.

MRS. FREDERICK EBY explained some problems she had in regard to the City's obtaining part of her property, and also the City's wanting to lay some pipe on the property immediately, and destroying certain trees. She was not pleased by the way the matter was handled, in that she had not had proper notice and proper time to answer the letter from the Legal Department that she had received at 5:45 Wednesday, before the meeting of this date. MR. CLIFTON SPEIR explained the situation up to date. MRS. EBY wanted the pipe laid at a different location, and Mr. Ullrich explained why it might not work at that location and might take down more trees--that the pipe could not be laid too near the present culvert which might need to be replaced. The Mayor summarized the matter in that if excess water were drained on her property, the City would be liable, and if they stopped Mr. Kitchens from making this excavation at this time, he might be damaged. He then stated that Mr. Kitchens would be contacted and he would have a further report sometime this week. He asked her if a water easement were made, would that be satisfactory to her, and she stated it would.

Councilman White moved that the Mayor be instructed to answer the letter from MRS. H. A. SULLIVAN and inform her that there can not be anything done by the City in her case. The motion, seconded by Councilman Johnson, carried by the following vote:

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

Councilman Johnson moved that MR. EUGENE ALVIS be appointed to serve as Judge for the Corporation Court during Judge Joe B. Roberts' absence on vacation. The motion, seconded by Councilman White, carried by the following vote:

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

Councilman Long expressed the idea that the Council should make these appointments from their own recommendations.

The Council asked that copies of the following recommendation from the Zoning Commission regarding an amendment to the Zoning text be sent each member, and that the matter be set for public hearing on October 16, 1952:

Amendment to Section 13.

(g) For the purpose of this subsection only a lot is defined as a tract of ground described and recorded as a lot in the records of Travis County, Texas. No building permit shall be issued for the erection of more than one principal building on a lot, or any tract of ground existing at the time of the adoption of this subsection and described

by metes and bounds or otherwise, unless and until a plan for the subdivision of such lot or tract of ground has been approved by the Plan Commission. No building permit shall be issued for the erection of a principal building on any parcel of ground created by dividing a lot, or created subsequent to the effective date of Acts 1927, 49th Leg., p.342, ch. 231 (June 15, 1927) by dividing any tract of ground so as to provide a building site or building sites, whether such division is described by metes and bounds or otherwise, unless and until the division of such lot or tract of ground has been submitted to and approved by the Plan Commission. Provided however, that where a lot has been divided into more than one parcel of ground prior to the effective date of this subsection and such parcels are separately owned on such effective date, this subsection shall not prevent the erection of a building on each such parcel. The Board of Adjustment shall have no power to vary the terms of this subsection.

Councilman Long said MR. PHILLIP BASHARA, 4503 Red River had a 100x300 lot he offered to let the children play football on if the City would level it off a bit. The Council referred the matter to the City Manager for investigation.

The following applications for change of zoning were set for public hearing at 11:00 A.M., October 23, 1952:

PROPOSAL OF ZONING COM-
MISSION

The 2 lots located at the
nw corner of Sol Wilson
Avenue and the unused por-
tion of Harvey St., locally
known as 2712-16 Sol Wilson
Avenue, and Lots 1-15,
Sam Houston Heights Annex,
locally known as 3001-3315
E. 12th

From "A" Residence
To "C" Commercial
RECOMMENDED by the
Zoning Commission

and

All the lots bordering on
the west side of Airport
Blvd beginning at E. 12th
St. and extending south 810',
being a portion of Outlot 15,
Div. B, locally known as 1180
through 1198 Airport Blvd.

From "A" Residence
To "E" Industrial
NOT Recommended by
the Zoning Commission.

W. E. POWELL, W. J.
PERLITZ, LEO A. MARTIN
& NEILL BOLDRICK, MRS.
LUCILLE B. ACOCK

3.35 acres, Outlot 15, Div. B,
locally known as 1161 thru
1197 Airport Blvd.

From "A" Residence
To "E" Industrial
RECOMMENDED by the
Zoning Commission

JACK H. KEY	Lots 10 & 11, Staehely and Wendlandt Addition, locally known as 2006 South Lamar Blvd.	From "C" Commercial To "C-1" Commercial RECOMMENDED by the Zoning Commission.
PAUL MURCHISON	Lot 2, Blk. A, Dancy Addition, locally known as 2703 East Avenue.	From "A" Residence To "C" Commercial RECOMMENDED by the Zoning Commission
R. L. HARKINS	W. 140' of the O.M.Brockman 3 acre tract, out of the G.W. Davis Survey#15, according to a deed from O. M. Brockman to R. L. Harkin, as recorded in Volume 907, page 244 of the Deed Records....locally known as 8005,07,09 Burnet Road.	From "A" Residence To "C-2" Commercial RECOMMENDED by the Zoning Commission
ANNIE MAE & LUSH M. RANDOLPH	E. 52', lot 5, Blk. 4, Outlot 36, Div. B, locally known as 1212 Chicon St.	From "C" Commercial To "C-1" Commercial NOT RECOMMENDED
MRS. DOROTHY E. FORESTER	.62 acre of the E.B.Smith tract out of w. half of the Tannehill League, fronting 328.8', Airport Blvd. and 235' on Springdale Road, locally known as 1183A-1197A Springdale Road & 1176A-1198A Airport Blvd.	From "A" Residence To "C" Commercial RECOMMENDED by the Zoning Commission
MRS. E. M. BARTON	Lot 5, Blk. 15, & Lot 8, Blk. 16, Outlots 32-33, Div. B, Glenwood Addn, locally known as 1402 and 1403 Cedar Street.	From "A" Residence To "C" Commercial RECOMMENDED by the Zoning Commission
ANDREW T. BAILEY	Lot 7, and w. $\frac{1}{2}$ of Lot 6, Blk. 5, Outlot 36, Div. B, locally known as 1805 E. 14th St.	From "A" Residence To "C" Commercial RECOMMENDED by the Zoning Commission

There being no further business the Council adjourned at 3:20 P.M., subject to the call of the Mayor.

APPROVED


Mayor

ATTEST:


City Clerk