

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 25, 1953
10:00 A.M.

Council Chamber, City Hall

The Meeting was called to order with Mayor McAden presiding.

Roll Call:

Present: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Absent: None

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

Invocation was delivered by REV. HAROLD WERNECKE, Faith Lutheran Church.

Councilman White moved that the Minutes of the meeting of November 19th be approved. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

MR. S. Z. SKINNER appeared before the Council asking permission to file his plat with the County and have it zoned Commercial. The application for change of zoning had not yet reached the Council from the Planning Commission.

MR. DAN HUMPHREY, President Local Branch No. 181, National Association of Letter Carriers, appealed the decision of the Solicitation Board on an application on behalf of the Muscular Dystrophy Association. MR. WILLARD HOUSER, Chairman of the Board, stated the application was not in conformity with the ordinance and that the Board had no information on the officers, trustees, or any information. The organization was not listed in the Better Bureaus of the United States; and though it was stated 25% of the funds collected would be used in Austin for wheel chairs, braces, etc., and since there was no association existing here, the Board could not conceive how the money could be spent locally without some local office. The application was not properly sworn to before an officer authorized to administer the oath. Councilman Long stated this was a bona fide charity and she moved that the permit be granted. Councilman White had not heard of it before and wanted to study it and find out about it. Councilman Thompson stated the Committee in charge of passing on these

permits, acted exactly according to the way they should act with the responsibility imposed on them under the ordinance. They took the proper action because the declination of the request for permit was based on the fact that the statements were not signed by the national officers of the corporation, and technically the application was out of order; but since this drive had started prior to the passage of the ordinance, and because this is one of the cases that got entangled in the inception of this ordinance because of the time element involved, he would move that the permit be granted. Councilman Pearson suggested it be referred to the Board again. Councilman Long's motion that permission be granted was seconded by Councilman Thompson. The motion carried by the following vote:

Ayes: Councilmen Long, Pearson*, Thompson, Mayor McAden***

Noes: None

Present but not voting: Councilman White**

*Councilman Pearson voted for it with the statement that he did so because the application was new and in the future he would insist that the application go back for rehearing before the Board when they are not in proper shape.

**Councilman White stated he did not know anything about it and did not want to vote on anything he did not know about.

***Mayor McAden stated the Board had acted in the best way it could; and in his vote to grant this permission, he did so as it was a justifiable case.

Councilman Thompson stated he would address a communication to the Solicitation Board.

Councilman Thompson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That W. E. Seaholm, City Manager, be and he is hereby authorized and directed to execute a deed on behalf of the City of Austin to Bernard Lumber Company, a partnership firm composed of Bernard Rubinstein and Isaac Rubinstein, for and in consideration of the sum of Six Hundred (\$600.00) and No/100 Dollars cash, conveying Lot 1, Block 3 and Lot 34, Block 2, both of Northfield Annex No. 2, a subdivision of a portion of the James P. Wallace Survey in the City of Austin, Travis County, Texas and reserving a twenty-foot open drainage ditch easement across the South 20 feet of said Lot 34, Block 2, of Northfield Annex No. 2.

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

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That W. E. Seaholm, City Manager, be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Fred Eby, Jr. regarding disposition of the remaining units of Veteran's Housing Project located at 1174 Hargrave Street, in the City of Austin, Texas, in accordance with the terms and provisions of a certain contract, copy of which is attached to this Resolution and marked by the City Clerk for purposes of identification, and the City Clerk is hereby directed to file for permanent record in the office of the City Clerk the attached copy of said contract without recordation in the Minutes of the City Council. (On File Under HOUSES-Sale of - Contract File No. 798-C)

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on or about the 7th day of November, 1949, Herman Brown, Paul O. Simms, Gladys Bowman, a widow, Robert H. Bowman, John Tibaut Bowman and Wm. G. Bowman did execute a deed conveying to the City of Austin a certain tract of land containing 1.03 acres of land, same being out of and a part of the Daniel J. Gilbert Survey in the City of Austin, Travis County, Texas, which conveyance is recorded in Volume 1022, at page 327, Deed Records of Travis County, Texas; and

WHEREAS, the description in said deed was defective; Now, Therefore

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

That W. E. Seaholm, City Manager, be and he is hereby authorized and directed to execute and accept that certain instrument correcting the description of the above mentioned tract to be executed by Herman Brown, Paul O. Simms, Gladys Bowman, a widow, individually and as attorney in fact for Robert H. Bowman, John Tibaut Bowman, and Wm. G. Bowman, conveying said correctly described tract to the City of Austin.

The motion, seconded by Councilman Pearson, carried by the following vote:
Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Pursuant to published notice thereof the following zoning application was publicly heard:

SAM E. WILLIAMS &
MARVIN E. JOHNSON

4811-17 & 4819 Airport
Blvd.

From "A" Residence
To "C" Commercial
RECOMMENDED 6th Height
and area

Mr. Williams, Mr. W. E. McVey appeared in favor of the application. Mr. Dave Pickle, Mrs. Dick Mason, Mr. and Mrs. James E. Cullin, Mr. B. Davis and Mr. Paul Smothers expressed opposition. The Council deferred action on this.

Action was postponed until the following Thursday on the original zoning of

- AREA 6 - South Austin, South of Old City limit line west of St. Edwards
- AREA 9,- East Austin Area, West of Springdale Road north and east of old City Limit Line
- AREA 10- East Austin Area, East of Springdale Road north of MK&T RR to East 19th Street

The Council received a recommendation from the Planning Department that the property of JACK H. KEY, owner, (West of the intersection of East 1st and East 7th Streets and on the north side of the intersection of East 1st and East 5th Streets) be established as a "C-1" zoning in the original zoning of Area 8. MR. SCOTTY CHILDRESS is lessee of this property. MR. TOM BLACKWELL objected to "C-1" Classification in this area in behalf of the Govalle Civic League; MR. EMMETT SHELTON spoke for including "C-1" in the original zoning, MR. C. J. OLIVER, 3325 East 1st favored the "C-1", as did MR. E. O. BROWN. MR. BEVERLY spoke in opposition. No action was taken on the original zoning of AREA 8 with the additional recommendation of the Planning Commission, and it will again be considered next Thursday.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, on this 25th day of November, 1953, the City Manager has submitted to the Council a proposed budget for the ensuing fiscal period, Now, Therefore,

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

That a public hearing on such budget be and the same is hereby ordered, such hearing to be held in the Council Chamber, in the Municipal Building on December 17th, 1953, at 10:00 o'clock A.M.; and the City Clerk is hereby directed to publish notice of such hearing as required by laws of the State and by the City Charter.

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

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

Mayor McAden offered the following ordinance:

AN ORDINANCE PROHIBITING THE LEAVING OF
ABANDONED, UNATTENDED OR DISCARDED ICE
BOXES, REFRIGERATORS, OR OTHER CONTAINERS

WITH AIR-TIGHT DOOR OR LID EQUIPPED WITH A SNAP-LOCK OR OTHER LOCKING DEVICE WHICH MAY NOT BE OPENED FROM THE INSIDE, IN PLACES ACCESSIBLE TO CHILDREN, WITHOUT FIRST REMOVING SUCH DOOR OR LID, SNAP-LOCK OR OTHER LOCKING DEVICE; PROVIDING A PENALTY OF NOT LESS THAN \$5.00 NOR MORE THAN \$200.00 FOR THE VIOLATION HERE-OF, AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Pearson 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 Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The ordinance was read the second time and Councilman Pearson 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 Long, Pearson, Thompson, White, Mayor McAden
Noes: None

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

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Mayor announced the ordinance had been finally passed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin received and opened bids on November 24, 1953, at 10:00 a.m. on the sale of certain buildings on property purchased for the Interregional Highway Right-of-Way; and

WHEREAS, Tom Attal submitted the highest and best bid in the amount of \$456.78 on the building located at 69 East Avenue; and

WHEREAS, Tom Attal submitted the highest and best bid in the amount of \$126.80 on the building located at 67 1/2 East Avenue; and

WHEREAS, Tom Attal submitted the highest and best bid in the amount of \$426.76 on the building located at 67 East Avenue; and

WHEREAS, Tom Attal submitted the highest and best bid in the amount of \$1556.86 on the building located at 57 East Avenue; and

WHEREAS, Tom Attal submitted the highest and best bid in the amount of \$756.76 on the building located at 55B East Avenue (Garage Apartment); and

WHEREAS, C. V. Shooter submitted the highest and best bid in the amount of \$640.00 on the building located at 903 Holly Street; and

WHEREAS, Tom Attal submitted the highest and best bid in the amount of \$1256.86 on the building located at 802 Lambie Street; and

WHEREAS, John Coleman submitted the highest and best bid in the amount of \$250.50 on the building located at 45 San Marcos Street; and

WHEREAS, Tom Attal submitted the highest and best bid in the amount of \$426.76 on the building located at 41 San Marcos; and

WHEREAS, the Director of Public Works and the City Manager have recommended the sale of such buildings to said bidders; Now, Therefore

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

That said bids be and the same are hereby accepted and W. E. Seaholm, City Manager is hereby authorized and directed to execute contracts of sale of said buildings at the above described locations with said bidders.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

Councilman White 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 PARKCREST DRIVE, from a point 21 feet south of Perry Lane, southerly 22 feet, the centerline of which gas main shall be 5.5 feet east of and parallel to the west property line of said PARKCREST DRIVE.

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

(2) A gas main across PARKCREST DRIVE, at a point 45 feet south of Perry Lane.

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

(3) A gas main in PARKCREST DRIVE, from a point 45 feet south of Perry Lane, southerly 139 feet, the

centerline of which gas main shall be 23 feet west of and parallel to the east property line of said PARKCREST DRIVE.

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

(4) A gas main in NORTHWESTERN AVENUE, from a point 66 feet north of Hidalgo Street, southerly 73 feet, the centerline of which gas main shall be 7.5 feet east of and parallel to the west property line of said NORTHWESTERN AVENUE.

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

(5) A gas main in HIDALGO STREET, from Northwestern Avenue, westerly 47 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said HIDALGO STREET.

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

(6) A gas main in EAST 14TH STREET, from a point 156 feet east of Trinity Street, easterly 36 feet, the centerline of which gas main shall be 13.5 feet south of and parallel to the north property line of said EAST 14TH STREET.

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

(7) A gas main in WEST 10TH STREET, from Newman Drive, easterly 189 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said WEST 10TH STREET.

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

(8) A gas main in MANOR ROAD, from Alexander Avenue, easterly 158 feet, the centerline of which gas main shall be 8 feet south of and parallel to the north property line of said MANOR ROAD.

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

(9) A gas main in WEST ST. ELMO ROAD, from a point 107 feet west of South 1st Street, easterly 828 feet, the centerline of which gas main shall be 6.5 feet north of and parallel to the south property line of said WEST ST. ELMO ROAD.

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

(10) A gas main in CAMERON ROAD, from East 53rd Street, southerly 308 feet, the centerline of which gas main shall be 17 feet east of and parallel to the west property line of said CAMERON ROAD.

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

(11) A gas main in DUVAL STREET, from a point 79 feet south of East 55th Street, northerly 43 feet, the centerline of which gas main shall be 14 feet east of and parallel to the west property line of said DUVAL 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 Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. M. Odom is the Contractor for the alteration of buildings located at 906-08-10 Congress Avenue and desires a portion of the sidewalk and street space abutting the north $1/2$ of Lot 2 and all of Lot 3, Block 110, of

the Original City of Austin, Travis County, Texas, during the alteration of the buildings, such space to be used in the work and for the storage of materials therefor; therefore.

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

1. THAT space for the uses hereinabove enumerated be granted to said J. M. Odom, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the southeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of Congress Avenue to a point four feet west of the west curb line; thence in a northerly direction and parallel with the centerline of Congress Avenue approximately 69 feet to a point; thence in a westerly direction and at right angles to the centerline of Congress Avenue to the northeast corner of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. M. Odom, hereinafter termed "Contractor", upon the following express terms and conditions:

(1). That the Contractor shall erect within the above described working space a solid fence built of not less than one-inch material and at least eight feet in height (or extending from the sidewalk to the underside of the present awning) substantially braced and anchored and to maintain same in good condition at all times while the work is in progress. The Contractor will be permitted to put a door in the barricade that will either open in or slide parallel to the barricades, and at all times that material is being delivered or taken away from the building, a watchman shall be provided to warn pedestrians of approaching danger. The Contractor will also be permitted to use two parking meter spaces for the delivery or removal of materials during construction work.

(2). That "NO PARKING" signs shall be placed on the street side of the barricades.

(3). That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(4). That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(5). That the Contractor shall place on the outside corners of any such walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(6). That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than December 15, 1953.

(7). That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(8). That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(9). That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(10). That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

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

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Council set the following zoning for public hearing for December 23 at 11:00 A.M.:

AREA 7 - Montopolis Area
AREA 12- Wheelless School Neighborhood

MR. WM. B. RANSOM thanked the Council for all the assistance it gave in making the Football game a success, and he stated that all the net profit goes to the Crippled Children's fund.

Councilman Long submitted a protest of the City cutting down a tree in the middle of the street in the 3001 Glenview area, and asked if the City would see if they couldn't leave it. The City Manager and City Attorney stated that trees in the street constituted a real hazard and liability to the City. Councilman White reported a similar condition, but stated after one of the three trees had been removed, he had had no complaints, and he too felt it was a dangerous situation.

Councilman Long reported that there was a dead tree at 700 Cummings in the sidewalk area, and the people had called up and asked that it be removed; that it was dangerous. The tree was still there. Councilman Pearson suggested that the City Manager make a note of it and check into it.

Councilman Long submitted a request for stop sign at Fort View and Bannister Lane. The South Austin Civic Club requested a stop sign in that area to slow the traffic - they wanted it on Bannister Lane. The City Manager stated that was under study at this time.

Councilman Long inquired about the policy of doing away with houses that are no longer fit for human inhabitation. She reported one house in the 1100 Block of Neches that was vacant and run down and the owner does not live in Austin; the other is in the 300 block of East 11th, but she would give the exact address. The City Attorney explained briefly proceedings on condemnation. He stated he would check into it from the fire and health hazards standpoints; and it would be necessary to have the findings on that. Councilman Long suggested that writing the owners might help.

Councilman Long reported filling in of Shoal Creek on West 5th Street, and she had had some calls from others living in the vicinity above. The City Manager stated the City was quite concerned about this, and it is a gradual encroachment on the drainageway. His recommendation was to try to buy the right-of-way in the creek. The City Attorney explained the legal angles involved. The City Manager reported it was a serious matter. Councilman Thompson asked if he could get a complete report on it for the Council. Councilman Long moved that the City Manager be instructed to bring in a recommendation as soon as possible on this matter concerning West 5th Street encroachment on the drainage ways. The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden
Noes: None

The Council received notice from the City Manager that the following application for change of zoning had been referred to the Planning Commission:

WALTER STAEHELY

Ne corner of Red River
and East 25th St.

From "B" Residence
To "C" Commercial

There being no further business the Council adjourned at 1:40 P. M., subject to the call of the Mayor.

APPROVED


Mayor

ATTEST


City Clerk