

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 30, 1954
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Pro-tem Pearson presiding.

Roll Call:

Present: Councilmen Long, Thompson, White, Mayor Pro-tem Pearson
Absent: Mayor McAden

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

Pledge of Allegiance to the Flag.

Minutes of the meeting of December 23rd were corrected, changing figures from \$9,000 to \$90,000, and adding \$100,000, in a statement of Councilman Long's. Councilman White moved that the Minutes of December 23rd be approved as amended. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Thompson, White, Mayor Pro-tem Pearson
Noes: None
Absent: Mayor McAden

MR. PERRY JONES, Central Texas Milk Producers Association, and Mr. A. K. Webb, Manager of the Association appeared before the Council, asking the Council's consideration and study of the milk problem in Austin, stating this association represented 75% of the milk producers in the Austin-Waco Milk Shed, with 218 in the Austin Milk Shed, living in the surrounding territory of Austin and spending \$4,000,000 a year with Austin merchants. He read a newspaper account of Councilman Thompson's statement asking for a study of the source of milk, as he understood most of Oak Farm's supply was shipped in. Mr. Jones stated 100% of the supply was shipped in. He outlined a problem of the milk producers ability to produce an adequate supply of milk and compete with northern producers. MR. WEBB stated the local milk was higher in butter fat than the others. The Sanitation Engineer stated all milk was checked for butter fat to see if the minimum were exceeded, but records were not kept as to which had more or less. Mayor Pro-tem Pearson suggested a committee to help the Council study this matter. Councilman Thompson stated it was the intent of the

Council to have a study made, and he was very sympathetic with the local producers and the farmers, and he would like to see something worked out with the local men. Mayor Pro-tem Pearson noted that the low bidder was a substantial taxpayer in Austin. Councilman Long inquired about any advantages or disadvantages in letting bids on a six months' contract or 12 months'. MR WEBB stated the producers would prefer a shorter contract--90 days, as a three months' period would give the handlers a better chance to give a lower bid. MR. PERRY JONES and MR. WEBB offered their assistance and information to the Committee which the Council may appoint, and would like further discussion with the Committee.

MR. AMOS HARRELL complimented the Council for attending to city business so earnestly, and without any pay at all. He had made studies of the school system, and noted contracts had been reduced 25%. He hoped that the City and Schools would get on a cash basis--suggested collecting more delinquent taxes on personal property, tagging every automobile that was delinquent, and asked for more reduction in expense.

Mayor Pro-tem Pearson brought the following ordinance for its third 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 30.3 ACRES OF LAND, OUT OF THE GEORGE W. DAVIS SURVEY IN TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.

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 Long, Thompson, White, Mayor Pro-tem Pearson
Noes: None
Absent: Mayor McAden

The Mayor Pro-tem announced that 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 City Council of the City of Austin hereby approves as a filling station site the property located at the southwest corner of the intersection of Burnet Road and Twin Oaks Drive which property fronts 125 feet on Burnet Road and 100 feet on Twin Oaks Drive, and being known as Part of Lot 7, Block

B, Edgewood Addition, Section 2, in the City of Austin, Travis County, Texas, and hereby authorizes the said Margaret M. Scarbrough and Lemuel Scarbrough, Jr., to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same being constructed in compliance with all ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper Police, Traffic and Fire regulations; and the right of revocation is retained, if, after hearing, it is found by the City Council that the said Margaret M. Scarbrough and Lemuel Scarbrough, Jr. has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"December 30, 1954

"Mr. Walter Seaholm
City Manager
Austin, Texas

"Dear Sir:

"We, the undersigned, have considered the application of Margaret M. Scarbrough and Lemuel Scarbrough, Jr. for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon the property located at the southwest corner of the intersection of Burnet Road and Twin Oaks Drive which property fronts 125 feet on Burnet Road and 100 feet on Twin Oaks Drive and being known as Part of Lot 7, Block B, Edgewood Addition, Section 2, in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Margaret M. Scarbrough and Lemuel Scarbrough, Jr., and we hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

"All drainage, natural or otherwise, from this filling station is to be disposed of in such a manner that such drainage will not flow across the sidewalk area into the street and furthermore, shall not create a nuisance to others in the neighborhood and it is understood that the disposal of such drainage shall be entirely the responsibility of the property owner. Any waste connection to a storm sewer which empties into an open drainageway shall be discontinued if the waste becomes a nuisance or damages any property or rights of others in the vicinity of the open drainageway.

"We recommend that Margaret M. Scarbrough and Lemuel Scarbrough, Jr. be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the following conditions.

"(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

"(2) That only underground tanks shall be used and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street or alley.

"(3) That the gasoline tanks, pumps, and all equipment used in connection with the storage and handling of gasoline shall be an approved type and shall bear the label of Underwriters Laboratories, Inc. and that all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accordance with the ordinance prohibiting the disposal of commercial water or oils upon the City Streets.

"(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2 - H - 146.

"(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the Department of Public Works file number 2 - C - 1755.

"(6) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2 - C - 1755 and shall be of the pre-moulded type.

"(7) When the owner considers that he has complied with all the requirements of the City of Austin for filling stations, he shall apply for a final inspection and upon approval, the Building Inspector shall issue a Certification of Operation before such filling station can be put into service.

"Respectfully submitted,
(Sgd) C. G. Levander
Director of Public Works
(Sgd) J. C. Eckert
Building Inspector"

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

Ayes: Councilmen Long, Thompson, White, Mayor Pro-tem Pearson

Noes: None

Absent: Mayor McAden

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 WOODROW AVENUE, from Madison Avenue northerly 73 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said WOODROW AVENUE.

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

(2) A gas main in SOUTH 5TH STREET, from Juanita Street northerly 146 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said SOUTH 5TH STREET.

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

(3) A gas main in FEDERNALES STREET, from Santa Rita Street northerly 120 feet to a point 69 feet south of East 4th Street, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said FEDERNALES STREET.

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

(4) A gas main in SAN SABA STREET, from East 3rd Street northerly 118 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said SAN SABA STREET.

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

(5) A gas main in GARNER AVENUE, from Anita Drive southerly 116 feet, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said GARNER AVENUE.

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

(6) A gas main in WOOD STREET, from a point 430 feet north

of West 6th Street northerly 28 feet to Shoal Creek, the centerline of which gas main shall be 28 feet west of and parallel to the east property line of said WOOD STREET.

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

(7) A gas main in BROOKLYN STREET, from East Live Oak Street southerly 1252 feet to East Oltorf Street, the centerline of which gas main shall be 6.5 feet west of and parallel to the east property line of said BROOKLYN STREET.

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

(8) A gas main in LONE OAK DRIVE, from Brooklyn Street westerly 339 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said LONE OAK DRIVE.

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

(9) A gas main in CINDERELLA CIRCLE, from Brooklyn Street westerly 373 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said CINDERELLA CIRCLE.

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

(10) A gas main in SUNRISE CIRCLE, from Brooklyn Street westerly 333 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said SUNRISE CIRCLE.

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

(11) A gas main in EAST OLTORF STREET, from a point 30 feet east of Brooklyn Street westerly 110 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said EAST OLTORF 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, Thompson, White, Mayor Pro-tem Pearson

Noes: None

Absent: Mayor McAden

The Council received a communication from the Planning Commission recommending the firm of HAROLD F. WISE and ASSOCIATES Of Menlo Park, California to be employed as planning consultant to work out the Master Plan for Austin. Councilman White inquired if the local engineers had been considered. The City Manager stated they had submitted a proposal, were heard before the Council and the Commission had considered and looked into their proposal. The Council took no action on this matter and postponed it until the following week when the Mayor would be in the City.

The Council had before it the ordinance providing for Workmen's Compensation for City employees. Councilman Long made several inquiries as to following state law and not following it when a person was injured off the job and receives same benefits as he does now; will the insurance policy now in effect have to be changed to permit the payments, even though workmen's compensation is in effect, and would the workmen's compensation policy supercede the personnel policies. The City Manager explained in detail the benefits to the employees; the present insurance policy provisions, and the personnel policy which would not be affected. The Insurance Company will pay its claims to the City and the city in turn pays the employee. Councilman Long inquired if the passage of the ordinance might be interpreted as repealing some portion of the personnel policy, and asked that the Council pass a statement of policy that the personnel policy would remain the same. Councilman Thompson stated it was the will of this Council to go further beyond what is normally done for employees, as the normal thing would be for them to draw benefits according to the Workmen's Compensation law, but this Council was not satisfied to do for employees what all commercial concerns do, but they want to go ahead and pay the full salary. Councilman White noted that the man, if he gets sick, is paid his full time; and if he gets any compensation it goes to the City, which he thought was right.

Councilman Long introduced the following ordinance:

AN ORDINANCE ADOPTING AND MAKING APPLICABLE TO THE CITY OF AUSTIN THE PROVISIONS OF STATE LAW RELATING TO WORKMEN'S COMPENSATION INSURANCE FOR CITIES, TOWNS, AND VILLAGES; PROVIDING THAT THE CITY OF AUSTIN SHALL BE SELF-INSURING; PROVIDING FOR NOTICES OF SUCH ACTION TO BE GIVEN; PROVIDING FOR THE ADMINISTRATION THEREOF; ESTABLISHING THE CITY OF AUSTIN WORKMEN'S COMPENSATION ACCOUNT; AND DECLARING AN EMERGENCY.

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 White, carried by the following vote:

Ayes: Councilmen Long, Thompson, White, Mayor Pro-tem Pearson
Noes: None
Absent: Mayor McAden

Councilman Long asked that the City Attorney prepare a statement of intent concerning the personnel policies to be brought in next week. She felt this not only protected the City but gave city employees in some instances more protection.

The City Manager reported that the SOUTHERN UNION GAS COMPANY had submitted a check in the amount of \$28,791.09, which was a refund on the State Gathering Tax which the City paid from October 1951 until February 1954. Mayor Pro-tem Pearson announced that this refund was being made to industrial users only and had no bearing on domestic users--that there would be no refund checks to domestic users.

The Council received the following Memorandum from the City Manager regarding forty hour workweek:

"In accordance with your request as of last week, we submit the following additional information relative to the application of the forty hour work week to all City employees except the Police and Fire Departments.

"In order that this forty hour work week can be thus accomplished, it will be necessary to amend the present budget as follows:

"Hospital	17 Employees	\$26,200.00
Sanitation Division	6 Employees	\$11,800.00
Total		<u>\$38,000.00</u>

"This amount of \$38,000.00 is the estimated additional requirement in order that the forty hour work week can be uniformly applied throughout the City.

"W.E. Seaholm
City Manager"

Councilman Thompson inquired how much this would mean per year for the

taxpayers. It was figured out to \$280,000 per year. The matter was held over for another week until the Mayor returned to the City.

Councilman Thompson suggested that the City Attorney, in conference with the Police Department, draw an ordinance that would eliminate the sale and use of especially explosive fire works; and if it were the wish of the Council, all fire works, in the city limits, as it seemed it was impossible to enforce our ordinance as there were many violations all over town. Councilman Long stated she would like to see the fire works ordinance studied carefully and one drawn up and submitted to the people in April along with another type of ordinance about keeping dogs penned up. About the fire works ordinance, she suggested writing a stiff ordinance with a stiff fine; and then get the Commissioners Court to outlaw the sale of fire crackers in Travis County. The City Manager reported a number of states had barred fire works, and he asked if it would be the feeling of the Council that when the Legislature met that the City submit the suggestion that state legislation be enacted on that proposition. Councilman Thompson suggested that the City Manager compile all the data he can as to the experience in Austin, data on the experience of the enforcibility of the ordinance and other information to be submitted to the Legislature in support of outlawing the use of fire works.. Councilman White agreed, and he thought something should be done about it. He was in favor of waiting until April to put it on the ballot, but he wanted to go all the way and eliminate the whole thing. Mayor Pro-tem Pearson wanted the Police Department represented in the meetings and studies that would be made. MR. BURT MATTHEWS, wholesale dealer in fireworks, asked the Council to consider allowing the sale of what is called "safe and sane" fire works, as he did not think anyone objected to that type; but because of young boys' shooting the TNT type, there were many objections. The matter was deferred until the following week until the Mayor returned.

Councilman Thompson reported on one of the problems that had been before the Council--that of MRS. BENJAMINE FRANKLIN MOORE, outside the City limits. He reported much interest had been shown in her case by the Board of the Water District, by the City Attorney's Office, and many others, and he believed he would have something to bring back to the Council in another week or two.

Councilman Long inquired about the Shannon property, that was in the process of being subdivided, but for some reason could not be cleared all the way through. The City Attorney explained the problem as worked out in the Legal Division; and everything was worked out except the financial problem of furnishing the utilities and paving the streets, and the inability to get the rest of the estate to go along with a partial developemnt plan. Mr. Mahoney reviewed the subdivision plat as finally approved, and a plat that was submitted, but not filed with the Commission. He outlined the difficulties encountered in the estate and the financial problems.

Councilman Long asked the City Manager to have a traffic study made for a light at South Congress and Mary Street. The City Manager stated this

was covered in the study of South Congress which is now underway. Mayor Pro-tem Pearson stated the people had been expressing their appreciation that the left turn arrow on Monroe was going to be put in, and asked when it would be in there. The City Manager stated it was necessary to get a new control, for this particular intersection.

Mayor Pro-tem Pearson had received a suggestion that charts listing the various steps necessary in getting a subdivision approved and building permit, be made up and submitted to applicants.

There being no further business the Council adjourned at 12:15 P.M. subject to the call of the Mayor.

APPROVED

Mayor Pro-tem

ATTEST:

Elmer Hoosley
City Clerk