

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 30, 1953
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor McAden presiding.

Roll Call:

Present: Councilmen Long, Thompson, White, Mayor McAden

Absent: Councilman Pearson

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. TOMMY BURRESS, Hillcrest Baptist Church.

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

Ayes: Councilmen Long, Thompson, White, Mayor McAden

Noes: None

Absent: Councilman Pearson

MR. ED CLARK, representing SOUTHWESTERN BELL TELEPHONE COMPANY, asked that the Council set the application of this Company for a hearing, at which time they would have an opportunity to prove their case before the Council. He asked that it be set as soon as it could be conveniently done.

MR. ED LOREY asked that the Council postpone final passage on the Fire Extinguisher Ordinance, and he would like for them to consider a Fire Prevention Ordinance. Councilman Thompson stated this ordinance before the Council was a supplement to an existing Fire Prevention Ordinance. Mr. Lorey did not know there was a fire prevention ordinance in effect, but he wanted to add to this ordinance something that would prevent fires rather than putting out the fires. Councilman White asked him what he would do to prevent fires. He replied there were certain standards and classifications of buildings and certain rules which would be very helpful. Councilman Thompson suggested that Mr. Lorey submit his recommendations

in writing, and that the Council pass the ordinance or amend it next week if it thought the suggestions of Mr. Lorey warranted it. He suggested that Mr. Lorey get his proposals to the City Clerk who will send them on out to the Council immediately. The Council took no action on the Ordinance and laid it over until the following week.

Councilman Long stated she would like to have an amendment to the Fire Extinguisher Ordinance considered also. On Page 10, "Any appeal from the ruling of the City Council to a court of competent jurisdiction shall be governed by the substantial evidence rule". Councilman Long suggested adding "de novo" instead of "substantial evidence rule". This will be considered also the following week when the Fire Extinguisher Ordinance is before the Council.

The Mayor read a letter mailed to HONORABLE BEN WHITE from the Superintendent of the Texas School for the Deaf (July 29, 1953) concerning the condition of Bouldin Creek in that there are numerous holes and low areas which trap water and cause breeding places for mosquitoes, and caused obnoxious odors. The City Manager stated easements were needed and so far they could not be obtained; but that as far as the health hazard was concerned, the Health Department was spraying this continuously. Then Councilman Long moved that the City Manager be instructed to have the situation investigated, the feasibility of getting easements and possibility of cleaning that out joining with the State, and give a report on this three weeks from today, August 20th. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Thompson, White, Mayor McAden

Noes: None

Absent: Councilman Pearson

Councilman Long inquired about the progress on getting the Railroad Company to get the signal lights in East Austin. The City Manager stated they had communicated with the companies, and were trying to get them back here for another conference. The Mayor asked that something be done to rush them up a bit.

Councilman Long presented a petition from a number of citizens asking for a water line down Ledesma Road. The petition was filed, and Councilman Long asked that a report be made next week.

Councilman Long submitted a complaint she had from a lady living on KING STREET, in that there was a mix-up of business, mail, etc., with the person at the same address on KINGS LANE. She wondered if something could be started to change the name of one of the streets. Councilman Thompson asked if those living on the street wouldn't start a petition. The Mayor asked that this matter be looked into, and added the suggestion that part of the Bull Creek Road might be changed to Murray Graham Road, and asked that that too be investigated.

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 East 9th Street, from a point 49 feet east of Harvard Street easterly 51 feet, the centerline of which gas main shall be 7 feet north of and parallel to the south property line of said East 9th Street.

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

(2) A gas main in Mansell Avenue, from a point 74 feet south of Delores Avenue southerly 72 feet, the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said Mansell Avenue.

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

(3) A gas main in Harvey Street, from East 17th Street southerly 95 feet, the centerline of which gas main shall be 6 feet west of and parallel to the east property line of said Harvey Street.

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

(4) A gas main in East 17th Street, from a point 107 feet east of Salina Street easterly 37 feet, the centerline of which gas main shall be 7.5 feet south of and parallel to the north property line of said East 17th Street.

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

(5) A gas main in Galindo Street, from Vargas Road easterly 168 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said Galindo Street.

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

(6) A gas main in Shirley Avenue, from Brentwood Street northerly 144 feet, the centerline of which gas main shall be 2.5 feet west of and parallel to the east property line of said Shirley Avenue.

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 McAden

Noes: None

Absent: Councilman Pearson

Councilman Thompson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, there is a certain street within the City of Austin known as West 47th Street which street is shown upon certain maps of the City of Austin, Travis County, Texas, and being more particularly that portion of West 47th Street shown upon the map or plat of Shoalwood Addition, Section 2 of record in Book 6, page 83 of the Plat Records of Travis County, Texas; and

WHEREAS, due to the development, it will not be feasible to connect the portion of West 47th Street referred to above to that portion of West 47th Street in the Rosedale Addition; and

WHEREAS the abutting property owners on the aforementioned street have petitioned the City Council of the City of Austin to change the name of West 47th Street to Pembroke Trail; 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 West 47th Street as referred to above be and the same is hereby changed to Pembroke Trail.

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

Ayes: Councilmen Long, Thompson, White, Mayor McAden

Noes: None

Absent: Councilman Pearson

The Council received the following:

"July 30, 1953

"To The City Council
City of Austin, Texas

Re: Completion and Acceptance of Work of
Improving Lavaca Street (both sides)
from West 5th Street to West 6th Street,
being Unit 5 of Current Improvement
Program.

"The work of improving Lavaca Street, from the north curb line of West 5th Street to the south curb line of West 6th Street, known as Unit 5 in the current street improvement program, has been performed and completed by John R. Andrews in full compliance with the Contract, and the Plans and Specifications therein contained, dated May 19, 1952, between the City of Austin and John R. Andrews.

"I have inspected, approved and accepted the work and improvements referred to, and I now recommend that the same be accepted and received by the City Council as having been performed and completed in compliance with the Contract, Plans and Specifications referred to above.

"Respectfully submitted,
(Sgd) C. G. Levander
Director of Public Works
City of Austin, Texas"

Mayor McAden introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF
IMPROVING LAVACA STREET, UNIT 5, IN THE CITY OF
AUSTIN, TEXAS, WITHIN THE LIMITS HEREBELOW DEFINED,
PERFORMED BY JOHN ANDREWS, AUTHORIZING AND DIRECT-
ING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES
IN CONNECTION THEREWITH; DECLARING AN EMERGENCY,
AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE
IMMEDIATELY UPON ITS PASSAGE.

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 Long, carried by the following vote:

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

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 Long, carried by the following vote:

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

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

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

The Mayor announced the ordinance had been finally passed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Joe Dacy is the Contractor for the demolition of a building located at 612-14 Lamar Boulevard and desires a portion of the sidewalk and street space abutting Lot D, 50x112' Unplatted, in the City of Austin, Travis County, Texas, during the demolition of the building, 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 Joe Dacy, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of Lamar Blvd. 4 feet to a point; thence in a southerly direction and parallel with the centerline of Lamar Blvd. approximately 50 feet to a point; thence in a westerly direction and at right angles to the centerline of Lamar Blvd. to the southeast corner of the above described property.

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

- (1). That the Contractor shall construct a guard rail within the boundary lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.
- (2). That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.
- (3). That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.
- (4). That NO PARKING signs shall be placed on the street side of the barricades.
- (5). That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.
- (6). 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.
- (7). That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.
- (8). 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 August 27, 1953.
- (9). 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.
- (10). 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.
- (11). 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.
- (12). That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1,000.00), 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 White, carried by the following vote:

Ayes: Councilmen Long, Thompson, White, Mayor McAden

Noes: None

Absent: Councilman Pearson

Two subdivisions were before the Council for consideration. Councilman Thompson asked how many more subdivisions were pending that would be considered before the ordinance requiring subdividers to pave would be passed. He was anxious that if the city adopted such a policy, the provisions should be made. The City Manager stated that the Planning Commission had approved these. Councilman White stated since these had been pending since February they should be OK'd, but he felt if the Council were going to pass this ordinance, it ought to be done pretty quickly. Councilman Long thought if this would not mean 45 or 50 subdivisions to be approved, it would be all right to accept these two small ones, but she did not want to add 100 or more miles of unpaved streets. Councilman Thompson was interested in the number pending. The Director of Public Works reported there quite a few passed by the Planning Commission that had never been submitted to the Council pending utility arrangements. He stated these two were the only ones now that had made utility arrangements. The City Attorney stated some may have made arrangements with independent contractors.

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 final plat of the subdivision known as "Don-Dale", approved by the City Planning Commission of the City of Austin on February 12, 1953, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

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

Ayes: Councilmen Long, Thompson, White, Mayor McAden

Noes: None

Absent: Councilman Pearson

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 final plat of the subdivision known as "Devonshire Park", approved by the City Plan Commission of the City of Austin on February 12,

1953, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

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

Ayes: Councilmen Long, Thompson, White, Mayor McAden

Noes: None

Absent: Councilman Pearson

Mayor McAden introduced the following ordinance:

AN ORDINANCE RESCINDING CERTAIN PROCEEDINGS
HERETOFORE HAD ORDERING THE PAVING AND IMPROVE-
MENT OF GILBERT STREET AND SUNDRY OTHER STREETS
WITHIN THE CITY OF AUSTIN, TEXAS; ABANDONING
A PORTION OF SAID STREETS OR UNITS UNDER SUCH
PROCEEDINGS HERETOFORE; AUTHORIZING AND DIRECTING
THE FILING OF NOTICE OF SUCH ACTION; AND DECLARING
AN EMERGENCY.

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 Long, Thompson, White, Mayor McAden

Noes: None

Absent: Councilman Pearson

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 Long, Thompson, White, Mayor McAden

Noes: None

Absent: Councilman Pearson

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 McAden

Noes: None

Absent: Councilman Pearson

The Mayor announced the ordinance had been finally passed.

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by Ordinance duly enacted on the 16th day of April, 1953, the

City Council of the City of Austin, Texas, declared the necessity for and ordered the improvement of portions of Rosewood Avenue and sundry other streets in the City of Austin, Texas; and,

WHEREAS, said City Council, after having advertised for bids in the manner required by law and by the Charter of the City of Austin, did award the contract for the construction of such improvements to Collins Construction Company of Texas, upon its best and lowest bid therefor; and,

WHEREAS, by the terms of such Ordinance and contract, the City of Austin has the option of deleting from the contract any units of such work as to which the contractor fails to furnish security for the property owners part of the cost of such work, in addition to the paving assessments and assignable certificates provided for in such Ordinance; and,

WHEREAS, such additional security has been obtained except as to the properties on the north side of Rosewood Avenue in Unit 1, and except as to the properties on the east side of Webberville Road in Unit 2; and,

WHEREAS, the City Council finds that it is in the best interest of the City of Austin to exercise its option to proceed with the construction of all of the improvements in such Units 1 and 2, as set out in such Ordinance and Contract; Now, Therefore,

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

That Collins Construction Company of Texas, be, and it is hereby authorized and directed to proceed with and construct all of the improvements in Units 1 and 2, as set out in that certain Ordinance duly enacted by the City Council of the City of Austin, Texas, on the 16th day of April, 1953, in accordance with the contract heretofore entered into by and between Collins Construction Company of Texas and the City of Austin.

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

Ayes: Councilmen Long, Thompson, White, Mayor McAden

Noes: None

Absent: Councilman Pearson

Councilman Long submitted a complaint that Windsor Road, as it approached the railroad crossing was narrowed down. The Director of Public Works stated that was being worked on now, and was being widened.

Councilman Long asked what progress was being made about the water situation in St. John's Addition. The City Manager stated this section had been circularized, and he would get a progress report on it. She stated the people on Blessing Street had been putting up their deposits and were eager to get their water in.

The Council set the following application for change of zoning for public hearing at 11:00 A.M., August 20, 1953:

L. L. McCANDLESS

120 The Circle

From "B" Residence
To "C-1" Commercial
RECOMMENDED

Councilman Long read a card she just received protesting any rate increase in the telephone rates. She stated that was just an example of what she had been receiving.

On Councilman Thompson's motion, the Council adjourned at 11:30.

APPROVED

CA M Edy
Mayor

ATTEST:

Chris Noosley
City Clerk