

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, March 27, 1942.

The City Council convened in regular session, at the regular meeting place in the Council Chamber at the Municipal Building on March 27, 1942, at 10:15 A. M., with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; absent, none. At the request of Mayor Miller, the meeting was held on Friday, instead of Thursday, the regular meeting day.

The Minutes of the regular meeting of March 17, 1942, were read, and upon motion of Councilman Alford, were adopted as read by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The application of John G. Farmer, 1503 Newning Avenue, for a taxicab license was submitted. Councilman Wolf moved that the application be granted, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The applications of D. F. Samuel, 300 Congress Avenue, for two taxicab licenses were submitted. Councilman Wolf moved that the applications be granted, in accordance with the recommendations of the City Manager. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The application of V. B. Falwell, 1623 Willow Street, for a license to operate a taxicab was submitted. Councilman Wolf moved that the application be granted, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The application of Norman Cooper, 1505 Holly Street, for a taxicab driver's permit was submitted. Councilman Wolf moved that the application be granted, in accordance with the recommendation of the City Manager. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The application of G. R. Alford, 2901 San Gabriel Street, for a commercial pilot's permit was submitted. Councilman Wolf moved that the application be granted. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following applications for private boat licenses were submitted:

<u>Name and Address of Applicant</u>	<u>Description of Boat</u>
Henderson, William F. - 3900 Alice Avenue	Home-made, Outboard, 1942 Model, Wizard, 4-passenger
Gregory, Morris - 804 Ideal Retreat	Home-made, Outboard, Two Years Old, "Chicken", Johnson, 2-passenger
Countz, V. E. and J. K. Martin - 1807 Colorado Street	Old Town, Canoe, Three Years Old, "Marcou", 2-passenger
Forehand, Sergeant Richard L. - 1835 Service Unit, Camp Mabry	Home-made, Outboard, Six Months Old, "Carlobev", Evinrude, 5-passenger

Councilman Bartholomew moved that the foregoing applications be granted, subject to the approval of the Lake Austin Navigation Board. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Mayor Miller moved that a public hearing on the proposed Solicitation Ordinance be set for Thursday, April 2, 1942, at 8:00 P. M. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced by Councilman Gillis:

WHEREAS, J. R. Blackmore and Son is the Contractor for the erection of a building located in the 300 block on East 5th Street, and desires a portion of the sidewalk and street space abutting the south 1/2 of Block 59, of the Original City of Austin, Travis County, Texas, during the erection 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 J. R. Blackmore and Son, 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 a southerly direction and at right angles to the centerline of East 5th Street to a point 20 feet south of the north curb line; thence in a westerly direction and parallel to the centerline of East 5th Street approximately 276 feet to a point; thence in a northerly direction and at right angles to the centerline of East 5th Street to the north curb line; thence in approximately a 45° angle to the east curb of Trinity Street; thence in an easterly direction and at right angles to the centerline of Trinity Street approximately 20 feet to a point; thence parallel with the centerline of Trinity Street 75 feet; thence in an easterly direction and at right angles to the centerline of Trinity Street to the west property line of the above described property.

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

(1) That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space on Trinity Street, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall, upon notice from the Building Inspector, immediately place such a wood floor and substantially support same to prevent sagging under load.

(2) That the Contractor shall construct a guard rail within the boundary line along the east, south, and west line of the above described space on East 5th Street, such guard rail to be at least 4 feet high and substantially braced and anchored. The Contractor shall be required to place a sign at the southwest and southeast corners of this working space reading as follows: "NOTICE TO PEDESTRIANS. SIDEWALK CLOSED. USE OTHER SIDE OF STREET."

(3) 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.

(4) 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.

(5) That "No Parking" signs shall be placed on the street side of the barricades.

(6) That the Contractor is permitted to construct a temporary work office within such allotted working space provided such work office is not within 25 feet of any corner street intersection.

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

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

(9) 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.

(10) 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 January 1, 1943.

(11) 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.

(12) 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.

(13) 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.

(14) 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 for 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.

Upon motion of Councilman Gillis, the foregoing resolution was adopted by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The following resolution was introduced by Councilman Alford:

WHEREAS, Texas Public Service 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 Texas Public Service 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 CHERRY LANE from Dillman Street westerly 204 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said Cherry Lane.

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

- (2) A gas main in LAMAR BOULEVARD across West 5th Street intersection, the centerline of which gas main shall be 17 feet east of, and parallel to, the west property line of said Lamar Boulevard.

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

The Texas Public Service 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 Texas Public Service 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 City Engineering Department not less than three (3) days before such information is required. The Texas Public Service 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 the 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 franchise granted to said Company by the City of Austin.

Upon motion of Councilman Alford, the foregoing resolution was adopted by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Bartholomew offered the following resolution:

WHEREAS, Paul H. Pfeifer, owner of a portion of Lot 1, Block 4, of Raymond's Plateau, a subdivision in Outlot 11, Division "Z", of the Government Outlots, which property is situated at the southeast corner of the intersection of West 5th Street and Lamar Boulevard within the City of Austin, Travis County, Texas, has made application to the City Council of the City of Austin for permission to construct two commercial driveways across the east sidewalk area of Lamar Boulevard adjacent to the above described property; and

WHEREAS, a plan has been prepared showing the location of said driveways, which plan is hereto attached, marked 2-C-948, and made a part hereof; and

WHEREAS, said plan and request have been reviewed and considered by the City Council of the City of Austin; therefore,

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

THAT Paul H. Pfeifer, owner of a portion of Lot 1, Block 4, of Raymond's Plateau, a subdivision in Outlot 11, Division "Z", of the Government Outlots, which property is situated at the southeast corner of the intersection of West 5th Street and Lamar Boulevard, within the City of Austin, Travis County, Texas, is hereby permitted to construct two commercial driveways across the east sidewalk area of Lamar Boulevard adjacent to the above described property, subject to the construction of concrete ramps, curbs, driveways, sidewalks, and expansion joints, as shown upon the plan marked 2-C-948, which plan is hereby attached and made a part of this resolution, and further subject to the condition that all concrete curb, ramp and driveway construction done within the City streets shall be done by a bonded sidewalk contractor under the direction and supervision of the City Engineer of the City of Austin, and in accordance with lines and grades furnished by the Engineering Department of the City of Austin.

Upon motion of Councilman Bartholomew, the foregoing resolution was adopted by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Councilman Gillis offered the following resolution:

WHEREAS, Moore Construction Company is the Contractor for the alteration of a building located at 621-623 Congress Avenue and desires a portion of the sidewalk and street space abutting Lot No. 6, Block 69, of the Original City of Austin, Travis County, Texas, during the alteration 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 Moore Construction Company, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northwest corner of the above described property; thence in a northerly direction and at right angles to the centerline of East Seventh Street to a point 5 feet south of the south curb line; thence in an easterly direction and parallel to the centerline of East Seventh Street, 160 feet to a point; thence at right angles to the centerline of East Seventh Street to the northeast corner of the above described property.

Beginning at the south curb line of East Seventh Street at a point approximately 15 feet east of the east right-of-way line of Congress Avenue; thence in a northerly direction and at right angles to the centerline of East Seventh Street 14 feet to a point; thence in an easterly direction and at right angles to the centerline of East Seventh Street approximately 60 feet to a point; thence in a southerly direction and at right angles to the centerline of East Seventh Street to the south curb line of said street; thence in a westerly direction and to the point of beginning.

Beginning at the northwest corner of the above described property; thence in a westerly direction and at right angles to the centerline of Congress Avenue to a point 7 feet east of the east curb line of Congress Avenue; thence in a southerly direction and parallel to the centerline of Congress Avenue 46 feet to a point; thence in an easterly direction and at right angles to the centerline of Congress Avenue to the southwest corner of the above described property.

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

(1) That the Contractor shall be permitted to erect his scaffolding within the above described sidewalk working spaces on Congress Avenue and East 7th Street, to be substantially constructed and properly braced and anchored. The Contractor will also erect a cover over this space projecting out to the curb line and at least 7 feet above the sidewalk, to be covered with not less than 2" material on the top and the roof shall be covered with a roofing material which will prevent leaking of the roof and provide a dry walkway at all times. In the street working space as above described, the Contractor shall construct a guard rail within the boundary line along the west, north, and east line 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 June 1, 1942.

(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 project, 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 Five Thousand Dollars (\$5000.00), which shall protect, indemnify, and hold harmless the City of Austin from any claims for 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.

Upon motion of Councilman Gillis, the foregoing resolution was adopted by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

Aaron Ezekiel Seymour, represented, also, by his attorney, Jesse J. Bartlett, came before the Council and pleaded for the granting of his application for a taxicab driver's permit, which had been recommended to the Council for denial. After due consideration of the matter, it was the sense of the meeting that the application be not granted.

Councilman Wolf offered the following resolution:

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

THAT the following described tract of land owned by the City of Austin, a municipal corporation, situated in Travis County, Texas, be, and the same is hereby, set aside and dedicated for use as a public street and thoroughfare in the City of Austin, said tract being described as follows:

Twenty-two hundred and fifty-one (2251) square feet of land, the same being a portion of the west side of Lot 3, Block 1, Pecan Grove Addition, a subdivision by C. F. Dye and wife of a portion of the Isaac Decker League within Travis County, Texas, according to a map or plat of said Pecan Grove Addition appearing of record in Book 3, at page 184, of the Plat Records of Travis County, Texas, which Lot 3 and other lots were conveyed to the City of Austin by Paul H. Friedrich and wife by deed dated October 28, 1940, and recorded in Volume 660, at page 12, of the Deed Records of Travis County, Texas, and which 2251 square feet of land is more particularly described by metes and bounds as follows:

Beginning at an iron stake at the southwest corner of said Lot 3, said stake also being on the segment of a curve whose radius is 833.60 feet and from which iron stake a concrete monument at the point of tangency of the aforementioned curve bears N. 62° 04' W. 21.4 feet;

Thence along the west line of said Lot 3, N. 30° 06' E. 151.25 feet to an iron stake at the point of intersection of the west line of Lamar Boulevard and the west line of said Lot 3, and from which iron stake another iron stake at the northwest corner of said Lot bears N. 30° 06' E. 5.86 feet;

Thence along the west line of Lamar Boulevard S. 18° 47' W. 152.16 feet to an iron stake on the north line of Barton Springs Road, said stake also being on the segment of a curve whose radius is 833.60 feet;

Thence following said curving line to the right an arc distance of 29.8 feet, the chord of which arc bears N. 63° 32' W. 29.8 feet to the place of beginning.

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

THAT the City Clerk be, and she is hereby, authorized and directed to file this resolution in the office of the County Clerk of Travis County, Texas, giving notice to the public of the dedication for street purposes of the tract of land hereinabove described.

Upon motion of Councilman Wolf, the foregoing resolution was adopted by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The City Manager submitted to the Council the written proposal of Maxwell and Cox, Auditors, to audit the City's books for the year 1942 on the same monthly basis as the previous year, for a fee of \$1500 per year.

Mayor Miller moved that the said proposal of Maxwell and Cox be accepted, and the City Manager be authorized to employ said firm accordingly. The motion prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

M. H. Crockett submitted to the Council an estimate of the cost, amounting to \$1208.90, for installing a storm sewer across his property adjacent to Lamar Boulevard south of the Colorado River, to take care of a drainage condition, and asked that the City pay the same.

Following a discussion of the matter, it was agreed by the City Council that the City would pay one-half, or \$604.45, of the estimated cost of such storm sewer.

A committee of Negro citizens, composed of Dr. E. H. Givens, L. D. Lyons, and Mrs. C. H. Christian,

came before the Council and requested the following improvements in order to provide more adequate recreational facilities for the large number of Negro soldiers who will be in training at Camp Swift: (1) installation of hot and cold showers at Rosewood Park; (2) at least one additional park for the Negroes; (3) more Negro policemen; and (4) assistance in securing a USO Center for Negroes at Austin.

Following a discussion of the matter, it was agreed by the Council: (1) to appropriate the money for installation of hot and cold showers at Rosewood Park and to instruct City Manager to submit an estimate of the cost of same at the next regular meeting; (2) to instruct the City Manager to find out the price of the land which the Negroes want for a park and report back to the Council; (3) to take under advisement with the Chief of Police the matter of additional Negro policemen; and (4) to advise the Committee that Council can only recommend to the Government the location of a USO Center for Negroes here.

The following report of the Board of Adjustment was received, and the matter laid on the table:

" Austin, Texas
March 27, 1942

The Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on March 24, 1942:

R E S O L U T I O N

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Misses Melete and Emily L. Numbers and Mr. A. H. Swanson, requesting a change in the Use designation of the following properties:

All of Lots Nos. 1201 and 1211, inclusive, Rio Grande Street, being an area having a frontage of 46 feet on West 12th Street, 160 feet on Rio Grande Street to an alley, and 160 feet fronting on Rio Grande Street from said alley to West 13th Street, and 92 feet on West 13th Street, in Block 152 of the Original City of Austin

from "B" Residence District and Second Height and Area District to "C" Commercial District and Second Height and Area District; and

WHEREAS, the Board of Adjustment held a public hearing on this petition on March 24, 1942, at which hearing a number of protests against this change were registered by property owners adjacent to and near the property in question; and

WHEREAS, the Board of Adjustment carefully considered all of the arguments for and against the change, viewed the property and took into consideration the conditions surrounding this property, the trend of development in this neighborhood, and otherwise considered the question in the light of fundamental zoning principles; and

WHEREAS, on January 2, 1940, a hearing on a similar appeal was held by the Board of Adjustment, after which hearing the Board submitted a resolution to the City Council not recommending the change; and

WHEREAS, this property is the same property previously considered and the same conditions apply to it now as previously, namely, that the south portion extending from West 12th Street to the alley is only 46 feet deep, measured from Rio Grande Street, and the other half from the alley to West 13th Street is 92 feet deep, which would not permit of the construction of a business building and provide for off-street parking, which provision the Board deems essential for the protection of the public safety owing to the density of traffic on Rio Grande Street at its intersection with West 12th Street and caused by the existence of the two public schools at this location; and

WHEREAS, this narrow depth of the lots would also cause any building constructed thereon to encroach on the adjoining property to the east thereof, which is now occupied by residences which are close to the dividing property line or the boundary of the proposed new district and the close proximity of the rear of any commercial building with the usual unpleasant conditions existing that would seriously affect the comfort and peace and quiet and livability of these residences; and

WHEREAS, there is now located on the southeast corner of the intersection of West 12th Street and Rio Grande Street a commercial building used as a drug store, grocery store, beauty shop, and a free parking lot extending to the alley south of 12th Street, which commercial uses are non-conforming; and

WHEREAS, several appeals have been filed with the Council for the similar change of the property behind these commercial buildings to a commercial zone, which appeals were, in each case, denied; and

WHEREAS, the Board deems that due consideration for all the factors involved and all the conditions and circumstances surrounding this property and the future effects of such a change lead to the

conclusion that the change of the property requested in this application would not be desirable nor consistent and pursuant to any comprehensive zoning plan creating a situation where an existing non-conforming use would be permitted to continue while a legal conforming use of similar character was created across the street which is not developed for commercial purposes; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change of the specific property requested in the application be not recommended to the City Council; and

BE IT FURTHER RESOLVED:

THAT the Board recognizes the fact that this property is in a transitional stage with respect to its use and that the property owners may be due some relief, but if any change is made more property should be included to provide for the proper development of the same to guard the public safety and interest, and that any such change should include the entire one-half block from West 12th Street to West 13th Street and one-fourth of the block from West 12th Street south to the alley between West 11th Street and West 12th Street, extending back to the center of the block.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kushne
Chairman. "

The following report of the Board of Adjustment was received:

"Austin, Texas
March 27, 1942 ,

The Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on March 24, 1942:

R E S O L U T I O N

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration, a petition of Messrs. Jos. Lucas and R. E. Leigh requesting a change in the Use designation of the following properties:

Property on the south side of East 1st Street, between
Congress Avenue and Red River Street, or, alternatively,
between Trinity Street and Red River Street

from "C-1" Commercial District to "C-2" Commercial District; and

WHEREAS, the Board of Adjustment held a public hearing on this petition on March 24, 1942, at which hearing a number of protests against this change were registered by property owners adjacent to and near the property in question; and

WHEREAS, the Board of Adjustment carefully considered all of the arguments for and against this change, viewed the property and took into consideration the conditions surrounding this property, the trend of development in this neighborhood, and otherwise considered the question in the light of fundamental zoning principles; and

WHEREAS, when the original "C-2" Commercial District was created by the City Council the north side of East 1st Street was made the boundary line of the central district for the reason that on the south side of East 1st Street the property was predominantly developed as a residential property and the City Plan provided for the parking of the River front and the building of a boulevard along the River, and the north line of East 1st Street, therefore, seemed the logical boundary line of the "C-2" Commercial District, and the existing "C" Commercial District on the south side of East 1st Street would serve as a transition zone between the "C-2" Commercial District and the residence district south thereof; and

WHEREAS, when the Zoning Ordinance was recently amended the south side of East 1st Street was changed to a "C-1" Commercial District, which under the amendments did not permit undesirable developments to be established on this property and still serve as a transition zone as heretofore; and

WHEREAS, one of the appellants, Jos. Lucas, is owner of property included in the petition but the other applicant, R. E. Leigh, is not an owner but a lessee of property belonging to the State of Texas, and the appeal does not indicate whether or not the State of Texas joins in the said appeal; and

WHEREAS, the present zoning designation of this property permits the sale of beer and wine in connection with conforming restaurants, cafes and other food dispensaries, and a variety of other commercial uses, which it is deemed does not create unnecessary hardship on the property owners nor adversely affect property rights; and

WHEREAS, the Board deems that the present zoning classifications of these districts are proper and should be preserved as no definite or comprehensive change in trends of development have occurred and the development of the River front is still contemplated in the Master Plan for the City, and that the extension of the "C-2" District to the south of East 1st Street would adversely affect the present residential development in this area by permitting an addition to the sale of liquors and

many uses undesirable adjacent to residential development; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT this change in the Use designation of the above described property is not recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman. "

R. E. Leigh, applicant, appeared before the Council in the interest of the proposed change.

Pending further action on the matter, the Council referred to the Board of Adjustment for consideration and recommendation, the proposal to amend the Zoning Ordinance as to include the sale of beer by Retail Ice and Food Pantries in a "C-1" Commercial Zone.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE TO REGULATE THE USE OF DEVICES OR APPARATUS FOR THE AMPLIFICATION OF SOUNDS FROM RADIOS, PHONOGRAPHS, BANDS, OR ORCHESTRAS AND/OR THE HUMAN VOICE, WITHIN THE CITY OF AUSTIN, AND PROVIDING PENALTIES FOR THE VIOLATION HEREOF," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN SEPTEMBER 5, 1935, AND IS RECORDED IN BOOK "K", PAGE 42, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY REWRITING AND RE-ENACTING SECTION 3 OF SAID ORDINANCE; AND DECLARING AN EMERGENCY.

The Ordinance was read the first time and Councilman Wolf moved that the rules be suspended and the Ordinance be placed on its second reading. The motion was seconded by Councilman Bartholomew, and the same prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Ordinance was read the second time and Councilman Wolf moved that the rules be further suspended and the Ordinance be placed on its third reading. The motion was seconded by Councilman Bartholomew, and the same prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Ordinance was read the third time and Councilman Wolf moved that the Ordinance be finally passed. The motion was seconded by Councilman Bartholomew, and the same prevailed by the following vote: ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, and Councilman Wolf; nays, none.

The Mayor then declared the Ordinance finally passed.

Upon motion, seconded and carried, the meeting was recessed at 11:45 A. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Helen M. Keller
City Clerk