

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

November 27, 1946
10:45 A. M.

Council Chamber, City Hall

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The meeting was called to order, with Mayor Miller presiding.

Roll call

Present : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf - 5

Absent : None

Present also: Guiton Morgan, City Manager; J. E. Motheral, Director of Public Works; Trueman E. O'Quinn, City Attorney; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

C. W. Heath came before the Council and presented a petition, signed by the business firms on Congress Avenue between 1st Street and 3rd Street, asking for relief from an intolerable situation created by beer joints in this locality. Mr. Heath complained specifically about the obscene language and immoral condition at two beer places owned by a Mr. Joseph and at a specialty store in said locality. A report on the matter by the Chief of Police was also submitted. After considerable discussion, the matter was referred to the City Manager and the Chief of Police for their attention, with instructions that any violation of the city ordinances be immediately filed on.

Pursuant to published notice thereof, the public hearing on the proposal to amend the Zoning Ordinance and the Zoning Maps in the following particulars:

To amend the USE designation of the following described property so as to change the same from "A" Residence District and First Height and Area District to "E" Residence District and Second Height and Area District, to-wit:

(a) Lots 13 and 14 in Outlots 41 and 42, Division D, Longview Terrace in the City of Austin, Travis County, Texas, being located at the southeast corner of West 24th and Longview Streets.

(b) The Ernest Hoffman property lying immediately east of the property described in the foregoing sub-paragraph and fronting 174 feet on Leon Street, and being the southwest corner of the intersection of said street with West 24th Street, in the City of Austin, Travis County, Texas,

was duly opened.

JACK LEBE, Proponent, represented by J. R. Smith, Attorney, stated that the original application for a change in zoning of this property was made for a sorority, but that later a new application was made, deleting the sorority and asking for a change to "B" Residence District; that proponent had made assurance that same would not be used for sorority purposes; that this is the only piece of property north of 19th Street from Rio Grande Street west to Lamar Boulevard that is in an "A" zone classification; and that the Zoning Board recommended that the property adjoining this property to the east also be included to make the change equitable and uniform.

EVERETT L. LOONEY, Attorney, representing the purchaser of the property of Annie Webb Blanton at 1909 West 25th Street, stated that his client bought this property thinking it was zoned for a rooming house and was operating under a temporary permit granted by the Zoning Board; that the City Council was going to have to give serious consideration to the zoning of property from 19th Street north as "B" Residence District if the students of the University of Texas are to have a place to live; that said students want to live close to the University; that this has always been a neighborhood for students; and that he did not see how the people out there could logically protest and that the University has no place to spread out except out there.

AGNES BARR, represented by S. G. Garrett, stated that her property was originally bought with the idea of building a home there, but since development out there within the last year, she has decided it is not a proper location for a home, but is property that is more desirable for fraternities and sororities; that the property immediately north of her property is at present "B" Residence and has been sold to a fraternity; and the property immediately west across the alley has been zoned "B" Residence and sold to a fraternity; that there is a dire need for additional housing for students and she thinks everything along 24th Street should be zoned "B" Residence.

The following opponents of the change were heard, substantially as follows:

MRS. JOSEPH JONES, 2212 Longview Street, stated that they were the first to build on Longview Street and did so because it was an "A" Residence District; that to make it a "B" Residence District would depreciate new property and all homes there are new homes, eight years old, or less; that it would be unfair to those who have settled there to depreciate their homes; and further that the neighborhood had many small children and the traffic would create a hazard.

MISS FANNIE RATCHFORD, 1912 David Street, stated that she built her home there to be near the University, and that she would not care to live there if fraternities and sororities were built there.

PROPERTY OWNER at 2309 Shoal Creek Boulevard stated that they had recently bought this property and would object to a sorority, fraternity, or student house in this locality.

MRS. W. E. METZENTHIN, 1200 West 22 $\frac{1}{2}$ Street, represented by her son, protested the change.

MRS. J. H. WILLIAMS, 2307 Leon Street, protested the change, and stated further that 24th Street and Longview Street both being narrow streets, the additional parking there would create a hazard.

MISS MARGUERITE CRAIG, 2310 Longview Street, orally, and by written protest, opposed the change on the grounds that proponent bought his property with the knowledge that he was buying "A" Residence property and did so to make money; that she bought her property there six years ago and has been under a great strain to pay for it; that she bought there to be in a nice residential section; and that it would be an injustice to them to grant this change to someone who anted to profiteer in the matter.

H. T. MANUEL, 1202 West 22 $\frac{1}{2}$ Street, by telephone, stated that he was unable to attend the hearing, but wished to enter his protest against the change.

After all present desiring to be heard had been given a full and fair hearing, the Council deferred action on the matter until the next regular meeting; and instructed the City Attorney in the meantime to have an ordinance prepared creating "B-1" and "B-2" Districts, for passage at the next regular meeting.

The Mayor called up for its second reading, the following ordinance:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF FORTY-TWO AND SIXTY-FIVE ONE-HUNDREDTHS (42.65) ACRES OF LAND BEING OUT OF THE THOMAS HAWKINS SURVEY NO. 9, ABSTRACT 346, TRAVIS COUNTY, TEXAS, AND BEING A PART OF THE 97.50 ACRE TRACT CONVEYED TO EMMETT R. SCHIEFFER AND JEANETTE SCHIEFFER BY MRS. AUGUSTA SCHIEFFER, RECORDED IN VOLUME 393, PAGE 114, OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS, WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT LIMITS OF THE CITY OF AUSTIN, IN THE PARTICULARS STATED IN THE ORDINANCE.

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

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The ordinance was then read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

Thereupon the Mayor declared that the ordinance had been finally passed.

Councilman Glass 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 the property situated on the north side of West 15th Street, which property is owned by The Austin Laundry and Dry Cleaning Company, and is designated as a part of Lot 2, Block 38, Original City of Austin, Travis County, Texas, and hereby authorizes the said Austin Laundry and Dry Cleaning Company to operate a private gasoline plant consisting of a 1000 gallon tank and electric pump for the sole purpose of servicing their own motor equipment, and from which no gasoline is to be sold, subject to the same's being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted, and accepted, subject 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 Austin Laundry and Dry Cleaning Company has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

" Austin, Texas
November 27, 1946

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of Austin Laundry and Dry Cleaning Company for permission to operate a private gasoline plant consisting of a 1000 gallon underground tank and a pump for the sole purpose of servicing their own motor equipment and from which no gasoline is to be sold, upon property located on the north side of West 15th Street, which property is designated as part of Lot 2, Block 38, Original City of Austin, Travis County, Texas, and locally known as 308 West 16th Street.

This property is located in a "C" Commercial District and I recommend that this permit be granted, subject to the following conditions:

(1) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of the Underwriters Laboratories, Inc., and that all tanks and pumps shall be installed in compliance with the Ordinance governing the storage and handling of gasoline.

(2) That all pumps shall be so located that cars stopped for the purpose of receiving gasoline or other supplies shall not in any way obstruct the free passage of traffic on either the sidewalk, street or alley.

(3) That "NO SMOKING" signs shall at all times be prominently displayed and no person shall be permitted to smoke on the premises where gasoline is handled or stored.

(4) That all fees shall be paid and a permit secured from the Building Inspector's office before any installation work is started, and that no equipment shall be placed in operation until after final inspection and approval of same.

Respectfully submitted,

(Sgd) J. C. Eckert
Building Inspector. "

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

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 LANCASTER COURT, from a point 315 feet north of East 51st Street, northerly 46 feet, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Lancaster Court.

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

- (2) A gas main in LLANO STREET, from a point 108 feet south of East 1st Street, southerly to Willow Street, the centerline of which gas main shall be 20 feet east of, and parallel to, the west property line of said Llano Street.

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

- (3) A gas main in ARPDAL STREET, from a point 28 feet west of Ann Arbor Avenue, easterly 98 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said Arpdale Street.

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

- (4) A gas main in OLTORF STREET, from a point 31 feet west of College Avenue westerly 258 feet, the centerline of which gas main shall be 13.5 feet south of, and parallel to, the north property line of said Oltorf Street.

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

- (5) A gas main in TOWNES LANE, from a point 254 feet west of Dormarion Lane, westerly 60 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said Townes Lane.

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

- (6) A gas main in CHERRY LANE, from a point 147 feet west of Schulle Avenue, easterly 296 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said Cherry Lane.

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

- (7) A gas main in SUNSHINE DRIVE, from a point 5 feet north of North Loop Boulevard northerly 802 feet, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Sunshine Drive.

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

- (8) A gas main in RALEIGH AVENUE, from Bridle Path to Cherry Lane (W.), the centerline of which gas main

shall be 7.5 feet west of, and parallel to, the east property line of said Raleigh Avenue.

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

- (9) A gas main in CHERRY LANE, from Raleigh Avenue to a point 60 feet west of Rockmoor Avenue, the centerline of which gas main shall be 5.5 feet north of, and parallel to, the south property line of said Cherry Lane.

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

- (10) A gas main in SINGLETON AVENUE, from a point 66 feet south of East 13th Street, southerly 45 feet, the centerline of which gas main shall be 13.5 feet west of, and parallel to, the east property line of said Singleton Avenue.

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

- (11) A gas main in WEST 39TH STREET, from a point 58 feet east of Jackson Avenue, westerly 108 feet, the centerline of which gas main shall be 13.5 feet south of, and parallel to, the north property line of said West 39th Street.

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

- (12) A gas main in WEST 43RD STREET, from Bellvue Avenue easterly 124 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said West 43rd Street.

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

- (13) A gas main in Lincoln Street, from Tillotson Avenue southerly 97 feet, the centerline of which gas main shall be 6.5 feet west of, and parallel to, the east property line of said Lincoln Street.

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

- (14) A gas main in EAST 2ND STREET, from a point 191 feet east of Canadian Street, easterly 72 feet, the centerline of which gas main shall be 25 feet south of, and parallel to, the north property line of said East 2nd Street.

Said gas main described above shall have a cover 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 Director of Public Works 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 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.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its underground telephone conduits in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the Director of Public Works; therefore,

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

THAT the Southwestern Bell Telephone Company be, and the same is, hereby permitted to construct its underground telephone conduits in the following streets:

- (1) An underground telephone conduit in CHICON STREET, from East 6th Street to East 7th Street, the centerline of which underground telephone conduit shall be 4 feet east of, and parallel to, the west property line of said Chicon Street.
- (2) An underground telephone conduit in CHICON STREET, from East 7th Street northerly + 35 feet, the centerline of

which underground telephone conduit shall be 16 feet west of, and parallel to, the center line of said Chicon Street.

- (3) An underground telephone conduit in EAST 7TH STREET, from Chicon Street easterly 90 feet, the centerline of which underground telephone conduit shall be 22 feet north of, and parallel to, the center line of said East 7th Street.

THAT the work and construction of said underground telephone conduits, including the excavation of the streets and the restoration and maintenance of said streets after said underground telephone conduits have been constructed, shall be under the supervision and direction of the City Manager, and in accordance with the ordinances and regulations of the City of Austin governing such construction.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of Mrs. Annie L. Harris for a change in zoning, from "B" Residence District to "C" Commercial District, of the property located at 2201 and 2203 Nueces Street, was received. Councilman Wolf moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of The Bar-B-Q-Pit, 316 East 6th Street, by Paul Murchison, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of RAY T. STEVENS, 300 Congress Avenue, for a license to operate as a taxicab a Ford Sedan, 1941 Model, Engine No. 6096879, State License No. FU-6989, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of OLLIE EDWARD MURPHY, 102 West 3rd Street, for a license to operate as a taxicab a 4-door Dodge Sedan, 1941 Model, Motor No. D19-17453, State License No. FE-1020, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of WILLIAM ALVIN JOHNSON, 2209 Bluebonne Lane, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of RAYMOND EDWARD LEGER, 209 East 13th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of CLYDE CLEVELAND TOWNSEND, 1403 Canterbury Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of ELMER FRANCIS MACINERNEY, 302 East 32nd Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

There being no further business, upon motion of Councilman Wolf, the meeting was recessed at 12:30 P. M., subject to call of the Mayor, by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Approved:

Tom Miller
MAYOR

Attest:

Shirley M. Allen

City Clerk