

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 5, 1946

10:55 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; Trueman E. O'Quinn, City Attorney; J. E. Motheral, Director of Public Works; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

Councilmen Wolf 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 CHESTNUT AVENUE, from a point 16 feet south of East 22nd Street southerly 112 feet, the centerline of which gas main shall be 7.5 feet east of, and parallel to, the west property line of said Chestnut Avenue.

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

- (2) A gas main in WEST 51ST STREET from Woodrow Avenue easterly 267 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said West 51st Street.

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

- (3) A gas main in DE VERNE STREET from a point 94 feet east of Paramount Avenue easterly 146 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said De Verne Street.

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

- (4) A gas main in FREDERICKSBURG ROAD from West Gibson Street southerly 368 feet, the centerline of which gas main shall be 28 feet west of, and parallel to, the center line of said Fredericksburg Road.

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

- (5) A gas main in EAST 2ND STREET from Pleasant Vallue Road easterly 96 feet, the centerline of which gas main shall be 20.5 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.

- (6) A gas main in ST. JOHNS AVENUE from a point 262 feet east of Guadalupe Street easterly 220 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said St. Johns Avenue.

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

- (7) A gas main in EILERS AVENUE from a point 43 feet north of East 50th Street south to East 50th Street, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Eilers Avenue.

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

- (8) A gas main in EAST 50TH STREET from Eilers Avenue easterly 89 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said East 50th Street.

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

- (9) A gas main in ALTA VISTA AVENUE from a point 62 feet south of Fairmount Avenue southerly 146 feet, the centerline of which gas main shall be 13.5 feet east of, and parallel to, the west property line of said Alta Vista Avenue.

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 Department 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, T. E. Dodd, M. D., has made application in writing for permission to operate a doctor's office and clinic for human beings only, on Lot 10, Block 28, of the Original City of Austin, Travis County, Texas, the same being on the south side of West 18th Street and locally known as 505 West 18th Street, and is located in a "B" Residence District, which requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin; therefore,

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

THAT permission for the operation and maintenance of a doctor's office and clinic for human beings only be granted to T. E. Dodd, M. D., with the

following conditions:

(1) That this clinic be used in the general practice of medicine, and that no mental or psychiatric patients be housed in such clinic;

(2) That all setback regulations required in this zone and all building code provisions be complied with in the operation of such building.

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, W. H. Van de Grift, M. D., has made application in writing for permission to operate a doctor's office and clinic for human beings only, on Lot 12, Enfield "X", a subdivision within the City of Austin, Travis County, Texas, the same being on the east side of Parkway and locally known as 1219 Parkway, and is located in a "B" Residence District, which requires a special permit from the City Council; and

WHEREAS, this application has been considered and approved by the City Council of the City of Austin; therefore

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

That permission for the operation and maintenance of a doctor's office and clinic for human beings only be granted to W. H. Van de Grift, M. D., with the following conditions:

(1) That this clinic be used in the general practice of medicine, and that no mental or psychiatric patients be housed in such clinic.

(2) That all setback regulations required in this zone and all building code provisions be complied with in the operation of such building.

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

At the request of W. R. Smith, Jr., Attorney for Jack Lebo, the public hearing on the application of the said Jack Lebo for a change in zoning, from "A" Residence District to "B" Residence District, of the property at the southwest corner of Longview and 24th Streets, continued from the last regular meeting, was again postponed to the next regular meeting.

The Reverend C. A. Wilson, Colored, appeared before the Council and presented a petition from members of the New Hope Baptist Church and others, asking for a storm sewer in the alley between Singleton Avenue and Maple

Avenue, and for street lights at 14th Street and Singleton Avenue, 16th Street and Singleton Avenue, and 16th Street and Maple Avenue. Reverend Davis asked particularly for a street light at 16th Street and Maple Avenue, for which a request had been made for several years. The petition was referred to the City Manager and the Street and the Electric Departments for attention, with instructions to have the street light at 16th Street and Maple Avenue put in first, if it is possible to do so.

Pat Adelman came before the Council and presented a letter signed by George W. Sandlin and him, asking that the alley between Congress Avenue and Colorado Street be named Bradford Alley. The City Council, by rising vote, unanimously granted the request, and directed that the alley between Congress Avenue and Colorado Street from 7th to 8th Streets be designated, "Bradford Alley," and that the city maps be changed to show this designation.

Pursuant to published notice thereof, the public hearing on the proposal to amend the Zoning Ordinance 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 "C" Commercial District and Second Height and Area District, to-wit:

The west 125'x150' of a .86 acre tract of land out of a 15 acre tract in the George W. Spear League as described in a deed recorded in Vol. 791, page 500, of the Deed Records of Travis County, Texas; such property being the most westerly 150 feet of the property located at 5112 Georgetown Road in the City of Austin, Travis County, Texas,

was duly opened.

No property owner or other interested person appeared to protest the proposed change.

Councilman Thornberry then moved that the change be granted and the City Attorney be instructed to prepare the necessary amendment to the Zoning Ordinance. The motion carried by the following vote:

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

Noes: None

Pursuant to published notice thereof, the public hearing on the application of A. N. McQuown to amend the Zoning Ordinance 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 "B" Residence District and Second Height and Area District, to-wit:

Lots 1, 2, 3, 35, 36, and 37 of Block B, and Lots 1, 2, and 3 of Block C, A. N. McQuown Subdivision, located in the 2800 block of Manor Road, in the City of Austin, Travis County, Texas,

was duly opened.

No property owner or other interested person appeared to protest the proposed change; and a property owner, representing the property owners in the neighborhood appeared and stated that they were all in favor of the change.

Thereupon Councilman Thornberry moved that the change be granted, and the City Attorney be instructed to prepare the necessary amendment to the Zoning Ordinance. The motion carried by the following vote:

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

Noes : None

Pursuant to published notice thereof, the public hearing on the application of Cecil J. Shafer to amend the Zoning Ordinance 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 "C" Commercial District and First Height and Area District, to-wit:

Lots 7 and 8, Block 15, The Highlands Subdivision,
being located at 5106 Duval Street, in the City
of Austin, Travis County, Texas,

was duly opened.

O. E. Jordan protested the change on the grounds that the garage proposed to be erected there would greatly depreciate the value of surrounding residential property and was not a suitable location for a garage. Written protests from E. M. Freund and W. C. Schulle were also received.

Mrs. Cecil Shafer, representing her husband, Cecil J. Shafer, appeared and asked permission to withdraw the application, stating that they did not ask for a hearing on the matter. The request was granted and the application was withdrawn.

Pursuant to published notice thereof, the public hearing on the application of Everett H. Givens, et al, to amend the Zoning Ordinance in the following particulars:

To amend the USE designation of the following described property so as to change the same from "C-1" Commercial District and Second Height and Area District to "C-2" Commercial District and Second Height and Area District, to-wit:

Lots 1, 2, 3, 4, and 5, in Block 1, Outlot 34,
Division B, being the south one-half of said
Block 1, and located on the north side of East
12th Street between Chicon Street and Poquito
Street, in the City of Austin, Travis County,
Texas,

was duly opened.

The following persons appeared and protested the proposed change in zoning, substantially as follows:

DR. J. M. WASHINGTON, Colored, protested the change on the grounds that as property owners it is distinctly against their interest so far as the peacefulness and safety of the community is concerned; that when he bought his home there it was strictly a residential district, but since then those beer places have been allowed to come in and the carousing late at night by the undesirable element patronizing same interferes with the peaceful enjoyment of their homes; that the drunkenness and immoral conduct of such people is very objectionable to the law-abiding citizens in that community and his race all over East, South, and West Austin want to see conditions made better at The End, and to grant licenses to sell more liquor there would only make the situation worse.

BEATRICE EDWARDS, Colored, objected to the change, which would allow more whiskey to be sold, declaring that she had lived there all her life and have seen conditions grow from bad to worse.

DR. R. E. DAVIS, Colored, protested the change on account of its nearness to the church and the degrading influence it would have on the community.

L. J. GRIFFIN, Colored, declared that all the beer and whiskey places should be moved from out there for the good of the community, especially the children.

REVEREND C. A. WILSON, Colored, protested the change on the grounds that a majority of the killings occur at The End; that he is opposed to anything that keeps his people in a degraded condition, and that if it is possible, he would like to see all beer and whiskey moved from that area.

ROY CHILES, Colored, objected to the change, declaring that he was in favor of all liquor places out there at present being moved out, and no more being allowed to come in.

The following proponents of the change were then heard; substantially as follows:

KENNETH R. LAMKIN, Colored, Attorney for proponents, plead for the change on the grounds that he has lived near The End and knows conditions there as well as any one, and that those signing the petition indorsing the change are representative Negro citizens and known conditions out there; that to increase the number of liquor stores would not necessarily mean an increase in drunkenness because conditions were bad there before they got whiskey; that this has been a commercial area for a long time and to allow the sale of liquor on East 6th Street and prohibit it there would be discrimination; and that the issue is not one of morals but of economics.

Following a lengthy discussion of the matter, in which all present were given an opportunity to be heard, it was moved by Mayor Miller that the City Manager, the City Attorney, and the Chief of Police be instructed to take the necessary steps towards eliminating the non-conforming Uses on liquor in that area, and to see that the places selling beer are operated rightly, and if not, to immediately close them out. The motion carried by the following vote:

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

Noes: None

The hearing was then continued, pending the outcome of the move on the part of the City to eliminate the non-conforming Uses on liquor in that area.

SKINNY PRYOR came before the Council and submitted a request that in order to better accommodate the increased patronage at Zilker Springs when the new bath house is completed, the swimming pool be enlarged by building another dam and lake downstream and that the charge for swimming be increased to 25¢ to finance same. The Mayor advised him that while this improvement was badly needed, and he was in favor of it, no appropriation for same was possible in the 1947 Budget.

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the land hereinafter described was sold to the City of Austin for taxes by Tax Collector's deeds, the last of which was dated August 23, 1880; and

WHEREAS, all taxes for which such sales were made have been fully paid; now, therefore,

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

That Guiton Morgan, City Manager, be, and he is hereby, authorized and directed to execute a quitclaim deed for and on behalf of the City of Austin to W. J. Mitchell, whose title was sold to the City of Austin as above recited, and to his successors in title, conveying all of the right, title, and interest of the City of Austin in and to the Northwest one-quarter (1/4) of Lot 8, Outlot 55, Division B, in the City of Austin, Travis County, Texas, subject to any taxes owing for the years subsequent to the year 1880.

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 Joe Crow for a change in zoning, from "A" Residence District to "B" Residence District, of Lots 10 and 12, Block 1, Outlot 45, Division "D", Robards Subdivision, located on the east side of Leon Street between 24th and 25th Streets, was received. Councilman Thornberry moved that the application 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 George Kies and David B. Barrow, Agents for B. Vernon Roberts, for change in zoning, from "C" Commercial District to "D" Industrial District, of property located 150 feet east of Tillery Street on East 5th Street and extending a distance of 531 feet, was received. Councilman Wolf moved that the application 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 Louis D. Kubecke for a change in zoning, from present zoning classification to "C" Commercial District, of Block 46 and Block 47, facing East Avenue between 23½ and 24th Streets, and extending back to Swisher Street, was received. Councilman Thornberry moved that the application 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 following application for a commercial boat license, duly approved by the Navigation Board, was submitted:

Name of Owner

Description of Boat

Ragsdale Flying Service, Municipal
Airport

Republic, Sea Bee, Model RC-1,
1946 Model, Name, "Sea Bee",
4-passenger

Councilman Bartholomew 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 RICHARD GIBSON, 2201 Garden Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass 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 JAMES HOLMER MORTON, Colored, 1153 San Bernard Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Glass 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 JIMMIE A. CADD, Colored, 2142 East 7th Street, for a taxicab license covering a Pontiac Sedan, 1938 Model, Engine No. 6-474824, State License No. FX-3725, duly approved by the City Manager, was submitted. Councilman Glass 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

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE AMENDATORY OF THE GENERAL ZONING ORDINANCE OF THE CITY OF AUSTIN, ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN, WHICH AMENDATORY ORDINANCE WAS PASSED BY THE CITY COUNCIL JULY 17, 1941, AND IS RECORDED IN ORDINANCE BOOK "L", PAGES 152,174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 3(a) TO ADD TO THE LIST OF "USE DISTRICTS" A "B-1" RESIDENCE DISTRICT, AND BY ADDING A NEW SECTION TO SAID ORDINANCE TO BE KNOWN AS SECTION 4-A IN WHICH A "B-1" RESIDENCE DISTRICT IS CREATED AND RESTRICTING THE USE OF LANDS AND BUILDINGS IN SAID DISTRICT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

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

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

Noes : None

The ordinance was read the second time and Councilman Wolf moved that the rule be further 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 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 Mayor Miller announced that the ordinance had been finally passed.

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, in accordance with the law, the City Manager, as Budget Officer of the City of Austin, has prepared an annual budget for 1947 covering all proposed expenditures for the succeeding year; and

WHEREAS, a copy of the budget for 1947 has been filed with the City Clerk on November 21, 1946; now, therefore,

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

That pursuant to requirements of the State law, a public hearing is hereby set to be held in the City Council room at the City Hall at 11:00 o'clock

A. M., on December 23, 1946, at which time any taxpayer will have the right to be present and participate in the hearing; and

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

That public notice of the hour, date and place of the hearing be given to the public by publication in the daily newspaper.

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 following resolution was submitted:

(RESOLUTION)

WHEREAS, City of Austin taxes for the years 1923 through 1945 were assessed in the name of Fannie Allen Estate on Lot 5, Block 13, Maas Addition, in the City of Austin, Travis County, Texas; said taxes for said years being in the amount of \$432.39, and for non-payment of same at maturity, penalty in the sum of \$21.63 has been assessed, and interest in the amount of \$274.62 has accrued, making the total amount of taxes, penalty and interest due, \$728.64; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$21.63, and one-half of the interest in the sum of \$137.31; therefore,

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

That the aforesaid penalty in the sum of \$21.63 and one-half of the interest in the sum of \$137.31 are hereby remitted, and the Tax Assessor and Collector of the City of Austin is hereby authorized and directed to charge said penalty in the sum of \$21.63 and said interest in the sum of \$137.31 off his rolls, and to issue to the party entitled to receive same a receipt in full upon the payment of the taxes and one-half of the interest as aforesaid.

Upon motion, the foregoing resolution was adopted 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 Thornberry, the meeting was recessed at 1:00 P. M., subject to call of the Mayor, by the following vote:

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

Noes : None

Attest:

Helen M. Allen

City Clerk

Approved:

Tom Miller

MAYOR