

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

December 23, 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.

The written application of Pedro Macias for a change in zoning, from "A" Residence District to "C" Commercial District, of the east 92 feet of Lots 1 to 6, inclusive, Block "B", Capitol Heights Addition, located at the southwest corner of South 5th Street and Elizabeth Street, was received. Councilman Bartholomew 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

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 as a filling station site the property located at the southwest intersection of Fredericksburg Road and Barton Springs Road, same being a portion of the Isaac Decker League within the City of Austin, and being located in

the 500 block of Fredericksburg Road, and hereby authorizes the said Sinclair Refining Company, acting by and through A. F. Buck, District Manager, to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted 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 Sinclair Refining Company, acting by and through A. F. Buck, District Manager, has failed and refused, and will continue to fail and refuse, to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"Austin, Texas
December 21, 1946

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of the Sinclair Refining Company, acting by and through A. F. Buck, District Manager, for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon the property located at the southwest intersection of Fredericksburg Road and Barton Springs Road, same being a portion of the Isaac Decker League within the City of Austin, and being located in the 500 block of Fredericksburg Road, and the property upon which this filling station is to be located is under option to the Sinclair Refining Company, and we hereby advise that the following conditions exist:

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

A storm sewer exists in Barton Springs Road adjacent to this filling station site.

We recommend that the Sinclair Refining Company acting by and through A. F. Buck, District Manager, be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways, building lines to be

approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of Underwriters Laboratories, Inc.; that all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(3) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap, which shall be constructed in accordance with our standard plan 2-H-146 and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer. Before commencement of any construction the applicant shall apply to the Director of Public Works for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant, as set forth upon the plan hereto attached, which plan bears the Director of Public Works' file Number 2-H-853.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-H-853, and shall be of the pre-moulded type.

(6) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

(Sgd) J. E. Motheral
Director of Public Works.

" 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 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 PARKWOOD ROAD, from a point 8 feet north of Crestwood Road Serviceway northerly to Airport Boulevard, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Parkwood Road.

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

- (2) A gas main in AIRPORT BOULEVARD, from northerly prolongation of Parkwood Road westerly to Parkwood Road (N), the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said Airport Boulevard.

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

- (3) A gas main in PARKWOOD ROAD, from Airport Boulevard to Airport Boulevard Serviceway, the centerline of which gas main shall be 6 feet west of, and parallel to, the east property line of said Parkwood Road.

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

- (4) A gas main in AIRPORT BOULEVARD SERVICEWAY, from Parkwood Road to $\frac{1}{2}$ block east of Rowood Road, the centerline of which gas main shall be 5 feet north of, and parallel to, the south property line of said Airport Boulevard Serviceway.

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

- (5) A gas main in FERNWOOD ROAD, from Parkwood Road to 135 feet west of Elwood Road, the centerline of which gas main shall be 6 feet south of, and parallel to, the north property line of said Fernwood Road.

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

- (6) A gas main in FAIRWOOD ROAD, from Elwood Road to Rowood Road, the centerline of which gas main shall be 6 feet south of, and parallel to, the north property line of said Fairwood Road.

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

- (7) A gas main in BENTWOOD ROAD, from East Avenue to Rowood Road, the centerline of which gas main shall be 6 feet south of, and parallel to, the north property line of said Bentwood Road.

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

- (8) A gas main in ELWOOD ROAD, from Fernwood Road to Norwood Road, the centerline of which gas main shall be 6 feet west of, and parallel to, the east property line of said Elwood Road.

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

- (9) A gas main in PARKWOOD ROAD, from Bentwood Road to Norwood Road, the centerline of which gas main shall be 6 feet west of, and parallel to, the east property line of said Parkwood Road.

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

- (10) A gas main in ROWOOD ROAD, from Airport Boulevard Serviceway to Bentwood Road, the centerline of which gas main shall be 6 feet west of, and parallel to, the east property line of said Rowood Road.

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

- (11) A gas main in NORWOOD ROAD, from Elwood Road to Parkwood Road, the centerline of which gas main shall be 6 feet south of, and parallel to, the north property line of said Norwood Road.

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

The application of HONG KONG CAFE, 717 East 6th Street, by Sam Azar, 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

Councilman Glass offered the following resolution and moved its adoption;

(RESOLUTION)

WHEREAS, the Charter of the City of Austin provides that in case of dissatisfaction with the decision of the Board of Equalization any taxpayer may appeal from the decision of said Board to the City Council; and

WHEREAS, the H. E. Butt Grocery Company has filed a written petition to the City Council appealing from the decision of said Board; and

WHEREAS, the City Council has heard and considered said appeal; now, therefore,

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

That the total assessed value of merchandise, inventory, furniture, and fixtures owned by the H. E. Butt Grocery Company in its stores and warehouse in the City of Austin, Texas, be, and the same is hereby, ordered at a valuation of \$88,765.00, and the City Tax Assessor and Collector is hereby ordered and directed to enter said valuation on all the records of his office and compute the tax for 1946 on the sum of \$88,765.00 with respect to the H. E. Butt Grocery Company.

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

C. BEN HIBBETTS came before the Council and requested a change in zoning of the property at 2505-7 San Gabriel Street to permit the erection

of a lodging house for boys. Councilman Thornberry 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 Mayor called up for its second reading, the following ordinance which was read the first time at the Regular Meeting of November 21, 1946, and laid over for publication, as required by the City Charter:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF TWENTY AND SIXTY ONE-HUNDREDTHS (20.60) ACRES OF LAND, BEING A PORTION OF OUTLOTS 32 AND 34, DIVISION C, OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, 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 announced that the ordinance had been finally passed.

The Mayor called up for its second reading, the following ordinance which was read the first time at the Regular Meeting of November 21, 1946, and laid over for publication, as required by the City Charter:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF THIRTY-ONE AND SEVENTY-EIGHT ONE-HUNDREDTHS (31.78) ACRES OF LAND, SAME BEING A PORTION OF OUTLOTS 49 AND 50, DIVISION B, OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, 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, Mayor Miller announced that the ordinance had been finally passed.

The Mayor called up for its second reading, the following ordinance which was read the first time at the Regular Meeting of November 21, 1946, and laid over for publication, as required by the City Charter:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF SEVENTY AND FIFTY-NINE ONE-HUNDREDTHS (70.59) ACRES OF LAND, SAME BEING A PORTION OF OUTLOTS 25, 26 AND 27, DIVISION B, OF THE GOVERNMENT OUTLOTS ADJOINING THE ORIGINAL CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, AND WHICH 70.59 ACRES 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 announced that the ordinance had been finally passed.

Pursuant to published notice thereof, the public hearing on the Budget of the City of Austin for the year 1947 was duly opened. No taxpayer, or other interested citizen, appeared to participate in the hearing.

Thereupon, Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the General Budget of the City of Austin, Texas, for the year 1947 has been prepared by the City Manager and presented to the City Council, and the same was filed with the City Clerk for public inspection on November 21, 1946; and

WHEREAS, a public hearing on said budget was held in the City Council Chamber at the City Hall at 11 o'clock A. M., on the 23rd day of December, 1946, after due notice of said time and place, at which hearing the taxpayers of the City of Austin were given the opportunity to be present and participate in such hearing; and said hearing was finally closed on said date; now, therefore,

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

The following General Budget of the City of Austin for the year 1947 be, and the same is hereby adopted, and the amounts set out respectively in said budget be, and they are hereby, respectively appropriated for the respective purposes and out of the funds respectively shown in said budget. Provided, however, that the revenue estimates in the Budget be and the same are hereby revised to incorporate and include the amounts provided by resolution of the City Council adopted December 12, 1946; and, further, that the schedule of salaries be and the same is hereby revised to conform to resolution of the City Council also adopted December 12, 1946; and as amended by said resolutions, the General Budget for 1947 is hereby adopted and approved.

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

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

Noes : None

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Tax Assessor and Collector of the City of Austin has submitted to the City Council the tax roll and record of the City of Austin for the year 1946; and

WHEREAS, said tax roll appears in all respects to be correct in form, and prior to its submission the valuations of property shown in said roll have been examined and corrected in the manner provided by law and by ordinances of the City of Austin by the Board of Equalization, which has made its report to the City Council; and

WHEREAS, all appeals from the decision of the Board of Equalization have been heard and disposed of by the City Council and such adjustments as have been found necessary have been made; therefore,

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

That said tax roll showing a total amount of \$81,082,385.00 valuation of the property assessed for City and School taxes for said year and a total amount of \$2,006,005.94 levied as taxes for City and School purposes for said year, be and the same is hereby approved.

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 Wolf introduced the following ordinance:

AN ORDINANCE LEVYING TAXES FOR THE CITY
OF AUSTIN FOR THE YEAR 1946, AND DIRECT-
ING THE ASSESSMENT AND COLLECTION THEREOF

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 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, Mayor Miller announced that the ordinance had been finally passed.

The application of CHARLES RAY ROBERTSON, 2708 Post Road, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf 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 CHARLES S. WILDER, Box 143-A, Prather Hall, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf 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 EUGENE J. JORDAN, 217 West 8th Street, for a license to operate as a taxicab a 4-door Plymouth Sedan, 1946 Model, Motor No. P 15-57237, State License No. ER-3889, Serial No. 20166059, 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 CLYDE WEBER CROOKS, 217 West 8th Street, for a license to operate as a taxicab a Ford Sedan, 1940 Model, Motor No. 5456854, State License No. FX-6824, 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

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

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

That Gupton Morgan, City Manager, be, and he is hereby, authorized and directed to enter into a contract with J. A. Shelby of Austin, Travis County, Texas, concerning the construction of water pipe lines in and to Oak Ridge Heights Subdivision, Sections 1, 2, and 3, under the terms and conditions governing such agreements for such construction outside the city limits.

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 1919 and 1921 through 1945 were assessed in the name of Edward S. Voight on Lots 6, 7, 8, Block 2, O. L. 34, 46, Division 0, Welch, Flat 20, in the City of Austin, Travis County, Texas; said taxes for said years being in the amount of \$1297.80, and for non-payment of same at maturity, penalty in the sum of \$64.89 has been assessed, and interest in the amount of \$1039.55 has accrued, making the total amount of taxes, penalty and interest due \$2402.24; and

WHEREAS, the City Council of the City of Austin deems it just and equitable to remit said penalty in the sum of \$64.89, and one-half of the interest in the sum of \$519.77; therefore

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

That the aforesaid penalty in the sum of \$64.89 and one-half of the interest in the sum of \$519.77, 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 \$64.89 and said interest in the sum of \$519.77 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.

The resolution was adopted by the following vote:

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

Noes: None

Upon motion, seconded and carried, the meeting was then recessed, subject to call of the Mayor.

Approved: Tom Miller

MAYOR

Attest:

Lillian M. Kellum

CITY CLERK