

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 31, 1945

10:40 A.M.

Council Chamber, City Hall

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

Roll call

Present : Councilmen Alford, Gillis, Mayor Miller - 3

Absent : Councilmen Bartholomew and Wolf - 2

Present also: Walter E. Seaholm, City Manager; W. T. Williams, City Attorney; J. E. Motheral, City Engineer; and R. D. Thorp, Chief of Police.

The minutes of the Regular Meeting of May 25, 1945, were read; and on motion of Councilman Alford were adopted as read by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Bartholomew and Wolf

The following reports of the Board of Adjustment were received and filed:

" Austin, Texas
May 30, 1945

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 May 29, 1945:

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 George Raymond Slaughter requesting a change in the Use designation of the following property:

Forty-five (45) feet by one hundred thirty (130) feet abutting on East 8th Street, and being a portion of Outlot 9, Division "B" (unplatted) in the City of Austin, Texas, and known as 2119 East 8th Street;

from "B" Residence District to "C" Commercial District; and

WHEREAS, the Board carefully considered this application at a meeting on May 29th and finds that this petition is for a small portion of the appellant's property located at the intersection of East 8th Street and Prospect Avenue, and that this is now zoned as a "B" Residence District, and that the property abutting thereon to the south and fronting on East 7th Street is zoned as a "C-2" Commercial District; and

WHEREAS, the change requested would result in a narrow strip of commercial property lying between two "B" Residence areas and would thus establish a small spot zone for the benefit of the owner and adversely affecting the adjoining property, and that such zoning is contrary to the intent and purpose of the Zoning Ordinance and sound zoning principles; and

WHEREAS, this application is not in response to any general public demand for an additional business property in this area, there being a large amount of business property undeveloped immediately adjacent thereto; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the above requested change be not recommended to the City Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

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

" Austin, Texas
May 30, 1945

Honorable Mayor and City Council
City of Austin, Texas

Gentlemen:

On May 12, 1945, the City Council referred to the Board of Adjustment the application of Sam P. Lung, owner, for the change of the property located at 307 Lamar Boulevard from "C" Commercial District to "C-1" Commercial District zoning classification.

The Council at the same time authorized the publication of a notice that a public hearing would be held on this application on May 31, 1945, which notice duly appeared in the Austin-American. The regular meeting of the Board of Adjustment was held on May 8th, which was prior to the receipt of this referral. Special meetings of the Board are held only when a sufficient number of appeals have been filed with the Secretary to justify a meeting and the time set for the meeting must allow for the publication of notices of hearings to the public and to the appellants who have filed appeals to the Board. Referrals from the Council are usually considered either at the regular or called meetings and in this case the earliest meeting of the Board for consideration of the referral above mentioned and the appellants to the Board was on May 29, 1945.

In view of the above facts, the Board did not have sufficient time to carefully study this application to be in a position to make a recommendation to the Council, especially in view of the fact that there was some uncertainty as to what property was involved from the language of the letter of referral and the letter from the applicant to the City Council. Prior to the meeting of the Board, the Chairman consulted the Building Inspector and the plat books of the City to determine what property was intended to be changed by this application, but found that the reference to the "center 59 feet of Lots 1, 2, 3, and 4, Block 4, Outlot 11, Division "Z", Raymond's Plateau, in the City of Austin, Texas," was in error since this property would be that occupied by Frank R. Rundell. At the same time, it was indicated that the Legal Department was withholding publication for a notice of hearing pending a more definite determination of the legal description of the property to be changed by this application.

Again, in view of these facts, an earlier special meeting for considering this referral alone was not held and therefore the Board has not had sufficient time to consider this matter, and requests the City Council for a stay of proceedings and additional time to properly study the application. The Board feels that with further study it might find it proper to recommend that a larger area in this particular location be changed from the present "C" Commercial District to a "C-1" Commercial District in order to give other property owners the same advantages which would accrue to the single applicant.

In view of the situation which has developed in connection with this application, the Board of Adjustment respectfully requests the City Council not to call for a public hearing on any zoning amendment until after the Board of Adjustment has had sufficient time to consider the question involved and return its recommendation to the Council.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) E. F. Kuehne, Chairman. "

Pursuant to published notice thereof, the public hearing on the proposal of the City Council to amend the Zoning Ordinance in the following particulars:

- (1) To amend the USE designation of the following described property so as to change same from "B" Residence District to "C" Commercial District, to-wit:
 Forty-five (45) feet by one hundred thirty (130) feet abutting on East 8th Street, and being a portion of Outlot 9, Division "B" (unplatted) in the City of Austin, Texas;
- (2) To amend the USE designation of the following described property so as to change the same from "C" Commercial District to "C-1" Commercial District, to-wit:
 A portion of Lots 1, 2, 3, 4, Block 4, Outlot 11, Division "Z", Raymond's Plateau, in the City of Austin, Texas;

was duly opened at the appointed hour.

GEORGE RAYMOND SLAUGHTER, colored, applicant for the change in zoning of the property described above as 45x130 feet abutting East 8th Street, submitted a list of names purporting to be the signatures of eighty-two citizens indorsing the change.

No objectors appeared to protest the proposed change.

Thereupon Mayor Miller moved that in view of the petition, and in consideration of the circumstances motivating the change, to-wit, the inability of applicant to engage in other work by reason of bodily injuries received while working in the shipyards, the change be granted and the City Attorney be instructed to prepare the necessary ordinance; and that applicant be requested to make further application for change in zoning of the adjoining property belonging to his mother-in-law, from "B" Residence District to "C" Commercial District. The motion carried by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller
 Noes : None
 Absent: Councilmen Bartholomew and Wolf

In accordance with the request of the Board of Adjustment, the hearing on the property described above as Lots 1 to 4, Block 4, Outlot 11, Division "Z", Raymond's Plateau, was postponed; and a rehearing on the matter set for June 21.

The Reverend Jerry Thomas, colored, submitted an application for change in zoning of the property at 806 East 13th Street, from "B" Residence District to "C" Commercial District. The matter was referred to the Board of Adjustment for consideration and recommendation, and a public hearing on same called for June 21, at 11:00 A. M.

Councilman Gillis introduced the following ordinance:

AN ORDINANCE VACATING THAT PORTION OF
 PATTERSON LANE ON EAST 41ST STREET EX-
 TENDING IN AN EASTERLY DIRECTION FROM

THE EAST LINE OF THE H. & T. C. R. R.
(LLANO BRANCH) TO THE SOUTH LINE OF WILSHIRE
BOULEVARD; AND MAKING CERTAIN RESERVATIONS
FROM SUCH VACATION.

The ordinance was read the first time and Councilman Gillis moved that the rule be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Alford, and same prevailed by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Bartholomew and Wolf

The ordinance was then read the second time and laid over.

Councilman Alford 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 situated at the northeast intersection of West 38th Street and Guadalupe Street, which property is under option to the Gulf Oil Corporation and fronts 105 feet on West 38th Street and 150 feet on Guadalupe Street and is known as a portion of Lot 1 of Lee's Subdivision of Outlot 78, Division "D" of the Government Outlots of the City of Austin, Travis County, Texas, and hereby authorizes the said Gulf Oil Corporation, acting by and through B. H. Williams, Agent, 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 Gulf Oil Corporation has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

" May 31, 1945

Mr. Walter E. Seaholm
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of Gulf Oil Corporation, acting by and through B. H. Williams, Agent, for permission to

construct, maintain and operate a drive-in gasoline filling station, and to construct commercial driveways in conjunction therewith, upon property located at the northeast intersection of West 38th Street and Guadalupe Street, which property fronts 105 feet on West 38th Street and 150 feet on Guadalupe Street, and is known as a portion of Lot 1 of Lee's Subdivision of Outlet 78, Division "D" of the Government Outlots of the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is under option to the Gulf Oil Corporation, 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) A storm sewer inlet exists on the north side of West 38th Street at the east property line of Guadalupe Street and another storm sewer inlet exists on the east side of Guadalupe Street at the north property line of West 38th Street. A storm sewer main exists on or adjacent to the property upon which this filling station is to be located.

We recommend that Gulf Oil Corporation, acting by and through B. H. Williams, Agent, 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 City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department as to future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) 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 City Engineer 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 City Engineer's file number 2-H-797.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached, marked 2-H-797, 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
City Engineer

" J. C. Eckert
Building Inspector. "

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

Ayes : Councilmen Alford, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Bartholomew and Wolf

The application of D. F. SAMUEL, 300 Congress Avenue, for a license to operate as a taxicab a 1940 Buick Sedan, 1945 State License No. Ft 1292, to replace Operator's License No. 13 cancelled by John G. Farmer, duly approved by the City Manager, was submitted. Councilman Alford moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Bartholomew and Wolf

The application of SIDNEY O. HERRING, 4501 Rosedale Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Alford moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Bartholomew and Wolf

Councilman Gillis offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, O. Fishbeck is the Contractor for the alteration of a building located at 2701 Guadalupe Street, and desires a portion of the sidewalk space abutting Lot 1, Block 1, of the Fruth Addition in the 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 O. Fishbeck, the boundary of which is described as follows:

Sidewalk Working Space

(1) Beginning at the south corner of the above described property; thence in a westerly direction and at right

angles to the centerline of Guadalupe Street to a point 4 feet east of the east curb line; thence in a northerly direction and parallel to the centerline of Guadalupe Street approximately 75 feet to a point; thence in an easterly direction and at right angles to the centerline of Guadalupe Street to the west line of the above described property.

- (2) Beginning at the south corner of the above described property; thence in an easterly direction and at right angles to the centerline of North Guadalupe Street to a point 4 feet west of the west curb line; thence in a northerly direction and parallel to the centerline of North Guadalupe Street approximately 75 feet to a point; thence in a westerly direction and at right angles to the centerline of North Guadalupe Street to the east line of the above described property.

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

(1) That the Contractor shall construct a guard rail within the boundary line along the north, west, south, and east lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

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

(3) 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.

(4) 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.

(5) 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 July 1, 1945.

(6) 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.

(7) 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.

(8) 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 purposes, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(9) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1000.00), 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.

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

Ayes : Councilmen Alford, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Bartholomew and Wolf

The following report of the Board of Adjustment was received and filed:

"May 30, 1945

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 May 29, 1945:

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 a number of property owners requesting a change in the Use designation of the following property:

Lots 41 to 71, inclusive, of College Court, a subdivision in the City of Austin, Texas, being property on Elmwood Place and the 600 block of Park Place,

from "A" Residence District to "B" Residence District; and

WHEREAS, the Board held a hearing on this application on May 29, 1945, at which hearing a number of property owners in this neighborhood appeared requesting this change on the grounds that the character of this property has changed so as to be more appropriate for a "B" Residence District than an "A" Residence District, and that in fact some of it already is being used for "B" Residence purposes, and that this change would benefit the housing

situation with respect to the University of Texas, which is destined to grow in size and create a greater demand by students for living quarters; and

WHEREAS, the land requested to be changed consists of an entire block extending from San Jacinto Boulevard to Harris Park Avenue and between Park Place and Elmwood Place, and also all lots fronting south on Elmwood Place and north on Park Place, which establishes a definite district in harmony with the principles and purposes of the Zoning Ordinance; and

WHEREAS, a portion of this block has already been changed from "A" Residence to "B" Residence by the City Council and an additional portion had already been recommended to be changed by a report of the Board of Adjustment to the City Council on September 24, 1937; and

WHEREAS, the Board of Adjustment does find that the property is better fitted for "B" Residence purposes in view of its present character and development, and that such change would be an extension of the present spot "B" Residence zone to cover like property in this larger area, and that the present non-conforming uses would become legal under the terms of the Ordinance; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the change of the property requested be recommended to the City Council; and

BE IT FURTHER RESOLVED:

THAT the Council, when calling for a hearing on this amendment to the Zoning Ordinance, be urged also to include Lots 72 and 73, which represent the property to the south of the lots fronting north on Park Place and would extend the "B" Residence District to the north property line of the University of Texas Campus, which property is now zoned as "A" Residence District.

Respectfully submitted,

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

A public hearing on a change in zoning of the property recommended in the foregoing report of the Board of Adjustment was called for June 21, at 11:00 A. M.

The City Manager submitted a letter from Mr. J. E. McClain requesting the use of Zilker Park and Zilker Springs for the Fourth of July celebration of the American Legion on July 2, 3, and 4. Mayor Miller moved that the request be granted. The motion carried by the following vote:

Ayes : Councilmen Alford, Gillis, Mayor Miller

Noes : None

Absent: Councilmen Bartholomew and Wolf

The City Engineer reported that the matter of inadequate drainage on the property of Fannie Gay, colored, 2603 Robinson Street, which was referred to him at the last regular meeting, had been satisfactorily attended to.

The City Attorney was instructed to have an ordinance prepared for passage at the second meeting in June, setting the tax rate at \$2.35 for the year 1945.

It was the sense of the Council that a meeting of the City Council with the City Manager, the City Engineer, and the City Planning Engineer be held the following week for a study of the proposed highway routes on East Avenue and other streets now under consideration by the State Highway Department, to be followed later by a joint meeting of the City Council, the City Manager, and the City Engineers with the City Plan Commission, the Road Committee of the Chamber of Commerce, and the State Highway officials for the formulation of a policy that will serve the best interests of the entire population of the City.

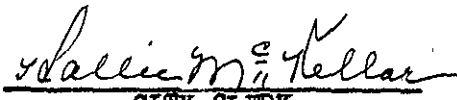
Mr. A. S. Hull appeared before the Council and requested that the City appropriate the sum of FOUR HUNDRED DOLLARS (\$400.00) per year for the salary of the Assistant Probation Officer, to supplement the amount paid by the County. The request was granted, and the City Manager was instructed to have the matter attended to.

There being no further business, upon motion, seconded and carried, the meeting was recessed at 1:00 P. M., subject to call of the Mayor.

APPROVED:


MAYOR

ATTEST:


CITY CLERK