

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 22, 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 : Mayor Miller, Councilmen Thornberry and Wolf - 3

Absent : Councilman Bartholomew - 1

Present also: Gupton 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.

A written request from the A E Pi Fraternity, by Herschel R. Gipson, for a change in zoning of the property at 1701 San Gabriel Street, was submitted by a committee from said Fraternity. The matter was referred back to the Fraternity to have the owner of the property join in the request for a change in zoning.

Pursuant to published notice, the public hearing on the proposal of the City Council 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:

A strip of land fifty (50) feet more or less in width of which 31.05 feet fronts on Airport Boulevard and which strip extends eastward to the west property line of the L. C. Hausman 1.76-acre tract, which strip lies in the block between East 45th Street and East 46th Street and which strip is part of a three-acre tract of land in Outlot 17, Division C, in the City of Austin, Travis County, Texas, being more particularly described by a deed dated March 30, 1946, and recorded in Vol. 543, pages 67-68, Deed Records of Travis County, Texas,

was opened.

No one appeared to protest the proposed change in zoning.

Councilman Wolf then moved that the recommendations of the Board of Adjustment be sustained, and the City Attorney be instructed to prepare an ordinance amending the Zoning Ordinance to include the proposed change. The motion carried by the following vote:

Ayes : Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

The written application of Mrs. H. P. Lee, owner of the property at 2714 East 1st Street, for a change in zoning of said property to "C-1" Commercial District to enable her tenant, Mrs. Opal Hibler, to sell wine and beer at her cafe at said location, was received. Mayor Miller moved that the application be referred to the Board of Adjustment for consideration and recommendation, with the request that they consider same at their next meeting; and that a public hearing on the matter be called for September 12 next. The motion carried by the following vote:

Ayes : Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

S. G. Garrett came before the Council and asked permission to withdraw his application pending for a change in zoning of property at the southwest corner of Red River and 32nd Streets, the public hearing on which was continued from the last regular meeting. It was the sense of the Council that the request be granted.

A petition from property owners living in the vicinity of Lot 17, Block 2, Fredericksburg Road Acres, asking that the Engineering Department change the drainage system of that area so as to divert the flood waters from their property onto the Fredericksburg Road, was received. The matter was referred to the City Manager and the Director of Public Works for investigation and report to the Council.

Sgt. O. W. Unsell of the U. S. Marine Corps, came before the Council and asked permission to erect a recruiting booth on Congress Avenue in front of the Paramount Theater, and a recruiting sign on the parkway on the north side of Congress Avenue bridge. It was the sense of the Council that both requests be granted.

T. T. Tanner, 402 West 34th Street, came before the Council and submitted a request in writing that the City remedy the damage done to his property by the digging of a ditch across it when a storm sewer was constructed in the 300 block between 34th and 35th Streets. The matter was referred to the City Manager and the Director of Public Works for investigation and report at the next regular meeting.

The following report of the Board of Adjustment was received; and ordered filed;

"Austin, Texas
August 16, 1946

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

Following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on August 13, 1946:

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 Mrs. C. A. Hamilton, Mrs. Henry Faulk, Sam Azar, Maud and Katie Durst, and Dr. Walter K. Long, requesting a change in the Use designation of the following property:

Lots 1, 2, 3, 4, 5, and 6, Wm. Frazier Subdivision,
Outlot 5, Division "O", being located on the north
side of East 4th Street between Comal and Concho
Streets,

from "B" Residence District to "D" Industrial District; and

WHEREAS, the Board of Adjustment held a hearing on this application at a meeting on August 13, 1946, at which hearing Mr. Walter E. Long and Mr. Walter Simms appeared in behalf of the applicants and stated that the property is unsuited for residential development because of its proximity to industrial property on the north and the type of occupancy now on this industrial property; and

WHEREAS, the property in this vicinity was originally zoned as "D" Industrial District but was changed to "B" Residence District at the request of the Housing Authority of the City of Austin, before the housing project was constructed south of the property proposed to be changed, in order to protect the project from undesirable encroachments; and

WHEREAS, Mr. Long and Mr. Simms affirmed that the application was made for the change to industrial because of the original zoning but that a "C" Commercial District would be satisfactory as far as Lot 6 was concerned since that classification would permit the construction of retail stores, but that they could not speak for the other petitioners at that time; and

WHEREAS, Mr. W. W. Stewart, Chairman of the Austin Housing Authority, appeared representing the Housing Authority, and stated that he had consulted with Mr. E. H. Perry, Second Vice-president of the Austin Housing Authority, and it was their opinion that the change to "D" Industrial District would be objectionable and allow undesirable occupancies but that the change to "C" Commercial District would not be objectionable and would not adversely affect the occupants of the housing project; and

WHEREAS, the Board deemed that the property requested to be changed is better suited to the development of commercial uses than residential property

because of its location adjacent to the industrial area and that a "C" Commercial District would be in the nature of a transitional zone between the industrial and residential, but deemed that to change the property to "D" Industrial District would be objectionable and would adversely affect the surrounding property; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

That it is hereby recommended to the City Council that the above described property be changed from "B" Residence District and Second Height and Area District to "C" Commercial District and Second Height and Area District.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) V. H. Pannell
Vice-Chairman. "

Councilman Wolf moved that a public hearing on the application of Mrs. C. A. Hamilton, et al, for change in zoning of the property described in the foregoing report of the Board of Adjustment be called for September 12 next. The motion carried by the following vote:

Ayes : Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

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 EVA STREET from a point 117 feet north of West Milton Street southerly 32 feet, the centerline of which gas main shall be 19 feet west of, and parallel to, the east property line of said Eva Street.

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

- (2) A gas main in WINSTED LANE from a point 282 feet south of Windsor road southerly 286 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Winsted Lane.

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

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- (3) A gas main in CASWELL AVENUE from East 51st Street northerly 115 feet, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Caswell Avenue.

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

- (4) A gas main in NAVASOTA STREET from East 3rd Street northerly 80 feet, the centerline of which gas main shall be 6.5 feet west of, and parallel to, the east property line of said Navasota Street.

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

- (5) A gas main in MISSION RIDGE from a point 229 feet west of Chelsea Lane westerly 176 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said Mission Ridge.

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

- (6) A gas main in WEST EIGHTH STREET from a point 142 feet east of Newman Drive westerly to Newman Drive, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said West 8th Street.

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

- (7) A gas main in NEWMAN DRIVE from West 8th Street northerly 66 feet, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Newman Drive.

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

- (8) A gas main in EAST FIFTY-FOURTH STREET from Evans Avenue westerly 145 feet, the centerline of which gas main shall be 7.5 feet south of, and parallel to, the north property line of said East 54th Street.

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

- (9) A gas main in SOUTH FOURTH STREET from West Johanna Street southerly 238 feet, the centerline of which gas main shall be 13.5 feet west of, and parallel to, the east property line of said South 4th Street.

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

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- (10) A gas main in AVENUE H from East 40th Street southerly 336 feet, the centerline of which gas main shall be 7.5 feet west of, and parallel to, the east property line of said Avenue H.

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

- (11) A gas main in CHERRY LANE from a point 185 feet east of Pecos Street westerly 275 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.

- (12) A gas main in SALINA STREET from a point 457 feet north of East 11th Street southerly 308 feet, the centerline of which gas main shall be 6.5 feet west of, and parallel to, the east property line of said Salina Street.

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

- (13) A gas main in SAN GABRIEL STREET from a point 46 feet south of West 29th Street southerly 54 feet, the centerline of which gas main shall be 23 feet east of, and parallel to, the west property line of said San Gabriel Street.

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

- (14) A gas main in MANOR ROAD from a point 206 feet west of Curtiss Avenue easterly 144 feet, the centerline of which gas main shall be 8 feet south of, and parallel to, the north property line of said Manor 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, prevailed by the following vote:

Ayes : Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

The written application of Mr. and Mrs. W. L. Brown for a change in zoning of the property at 51st Street and Georgetown-Dallas Highway, extending east to Guadalupe Street, to "C" Commercial District to permit a trailer or tourist court was received; and the matter was referred to the Board of Adjustment for consideration and recommendation.

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, in Book 1, page 65, of the Plat Records of Travis County, Texas, there appears a map or plat of a subdivision of land known as Glenridge, a subdivision of a portion of the George W. Spear League within the City of Austin, Travis County, Texas; and

WHEREAS, upon said map or plat there appear various streets and alleys, one of which alleys herein referred to is 16 feet in width, and being the alley one-half block west of, and parallel to, Bailey Lane and extending from West 37th Street to West 38th Street; and

WHEREAS, the owner of all the property abutting said alley has requested the City Council of the City of Austin to close said alley; and

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

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

That that certain alley 16 feet in width which is one-half block west of, and parallel to, Bailey Lane and extends from West 37th Street to West 38th Street as referred to above, be closed and vacated, except the City of Austin hereby retains utility easement rights in, upon, and across said alley.

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

Ayes : Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

The application of OSSIE B. GIFFORD, 300 Congress Avenue, for a license to operate as a taxicab a 4-door Plymouth Sedan, 1941 Model, Motor No. P11-114-753, State License No. CF-6635, duly approved by the City Manager, was submitted. Councilman Wolf moved that the application be approved. The motion carried by the following vote:

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Ayes : Mayor Miller, Councilmen Thornberry and Wolf
Noes : None
Absent: Councilman Bartholomew

The application of EUGENE JOE JORDAN, 217 West 8th Street, for license to operate as a taxicab a 4-door Plymouth, Factory No. P-12-269433, State License No. FV-5896, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

Ayes : Mayor Miller, Councilmen Thornberry and Wolf
Noes : None
Absent: Councilman Bartholomew

The application of FRANK McADOO CAMPTON, 1410 Congress Avenue, for license to operate as a taxicab a 4-door Plymouth Sedan, Motor No. P4-273, State License No. FV-9076, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

Ayes : Mayor Miller, Councilmen Thornberry and Wolf
Noes : None
Absent: Councilman Bartholomew

The application of JOHN REESE MAYFIELD, Colored, 1709 East 12th Street, for license to operate as a taxicab a 2-door Chevrolet, 1939 Model, Motor No. 2155304, State License No. FX-1639, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

Ayes : Mayor Miller, Councilmen Thornberry and Wolf
Noes : None
Absent: Councilman Bartholomew

The application of MILTON BAKER, 1112 East 10th 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 : Mayor Miller, Councilmen Thornberry and Wolf
Noes : None
Absent: Councilman Bartholomew

The application of FRANK McAdoo Campton, 1410 Congress Avenue, 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 : Mayor Miller, Councilmen Thornberry and Wolf
Noes : None
Absent: Councilman Bartholomew

The application of WILLIAM F. CRIDER, 2011 Alta Vista 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 : Mayor Miller, Councilmen Thornberry and Wolf
Noes : None
Absent: Councilman Bartholomew

The application of OSSIE B. GIFFORD, 4117 Avenue A, 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 : Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

The application of JESSIE PRICE, Colored, 1507 East 21st 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 : Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

The application of FRED JONES, Colored, 1703 Maple Avenue, for a taxicab driver's permit, recommended by the City Manager for 90-days probation, was submitted. Councilman Wolf moved that the permit be granted for 90-days probation, as recommended by the City Manager. The motion carried by the following vote:

Ayes : Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, BOTH INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT AND FROM "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "D" INDUSTRIAL DISTRICT AND THIRD HEIGHT AND AREA DISTRICT ON CERTAIN PROPERTY OUT OF OUTLOT 15, DIVISION 0; AND CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT (1) ON A CERTAIN .55 ACRES OUT OF THOMAS HAWKINS SURVEY LOCATED AT EAST AVENUE AND AIRPORT BOULEVARD, (2) ON LOT 1, IN BLOCK C AND LOTS 15 AND 16 IN BLOCK E OF DELWOOD SUBDIVISION, SECTION 1, (3) ON THE WEST 300 FEET OF A TRACT BOUND ON THE WEST BY EAST AVENUE, ON THE NORTH AND EAST BY FERNWOOD ROAD AND ON THE SOUTH BY AIRPORT BOULEVARD; ALL OF SAID PROPERTY BEING IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; AND ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; ~~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, with the emergency clause struck out. The motion carried by the following vote:

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Ayes: Mayor Miller, Councilmen Thornberry and Wolf
Noes: None
Absent: Councilman Bartholomew

The ordinance was then 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 : Mayor Miller, Councilmen Thornberry and Wolf
Noes : None
Absent: Councilman Bartholomew

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 : Mayor Miller, Councilmen Thornberry and Wolf
Noes : None
Absent: Councilman Bartholomew

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

The following applications for licenses to operate private boats, duly approved by the Lake Austin Navigation Board, were submitted:

B. L. Shannon, 2002 Scenic Drive -
Cris-Craft Hull #35217, Inboard, 1940 Model, "Cris-Craft",
8-passenger;

Malcolm M. Stewart, 2106 Stamford Lane -
Outboard, Sea King, 4-passenger ;

Councilman Thornberry moved that the licenses be granted. The motion carried by the following vote:

Ayes : Mayor Miller, Councilmen Thornberry and Wolf
Noes : None
Absent: Councilman Bartholomew

The following application for license to operate a commercial boat, duly approved by the Lake Austin Navigation Board, was submitted:

E. J. Wiseman, 1601 East 1st Street -
Chris-Craft, Inboard, 1939 Model, 5-passenger

Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

Ayes : Mayor Miller, Councilmen Thornberry and Wolf
Noes : None
Absent: Councilman Bartholomew

Councilman Wolf offered the following resolution:

(RESOLUTION)

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

THAT the sum of \$8588.00 be, and the same is hereby, appropriated out of the General Fund, not otherwise appropriated, for the purpose of completing

Abattoir improvements - extra to J. M. Odom contract, (1) install 2" glazed facing tile on the exterior and interior walls of the killing room on 3rd floor (old building) to match new addition; (2) install new 3" concrete topping over the present floor of killing and sterilizer room (3rd floor); (3) install new door for crippled animals near knocking pen.

The resolution was adopted by the following vote:

Ayes: Mayor Miller, Councilmen Thornberry and Wolf

Noes: None

Absent: Councilman Bartholomew

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

Approved: Tom Miller

MAYOR

Attest:

Lillian M. Kellan

City Clerk