

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 3, 1946
10:30 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.

A committee of fliers, with Dr. G. F. Thornhill, spokesman, came before the Council and submitted a request that the City build hangars at the Municipal Airport for rent to fliers for their private planes. A proposal was also submitted by J. F. Erwin of Erwin-Newman Company of Houston, Texas, to build a 6-unit hangar for \$10,295.00, the City to put in the foundation, the electric wiring, and the graveled ramp, at an estimated cost to the City of \$1260.00, \$200.00, and \$3000.00, respectively, making the total cost of such 6-unit hangar, \$14,755.00. Following a discussion of the matter, particularly the rental charge to be made by the City in order to amortize the indebtedness over a period of years, the City proposing a charge of \$25.00 per month per unit, and the committee proposing a lower charge, the matter was referred to a meeting of the committee with the City Manager and the Director of Public Works at 3:30 P. M., for further negotiation .

Pursuant to published notice, the public hearing on the application of the AUSTIN BUILDING & DEVELOPMENT COMPANY, by H. W. Holtzer, 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, towit:

Lots 7 through 18, inclusive, in Block B, Bluffview Addition, as recorded in Book 775, pages 486 to 488, inclusive, Deed Records of Travis County, Texas,

was duly opened.

No one appeared to protest the proposed change.

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

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

Noes : None

Pursuant to published notice, the public hearing on the application of W. L. BROWN and IMA B. BROWN 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 to "C" Commercial District, towit:

A 2.633-acre tract out of a three-acre tract described in Volume 427, pages 86 to 87, Deed Records, Travis County, Texas, being more particularly described in the application on file with the City Clerk of the City of Austin, Texas; said property fronting 100 feet on Georgetown Road, 789 feet on 51st Street, 159 feet on Guadalupe Street and 604 feet along the rear of a tier of lots in the Murray Place Subdivision,

was duly opened.

W. L. Brown, proponent of the change, plead for the change on the ground that he intends eventually to build a first-class tourist court there, and that the front part of his property is already commercial.

T. M. Hughes, Clyde Clark, and other property owners appeared in person and presented petitions from surrounding property owners objecting to the change on the grounds that proponents already have sufficient property zoned as Commercial "C"; that the property of opponents is restricted by deed to Residential "A"; and that they invested money in homes there because it was residential.

No other persons appearing to protest, Councilman Wolf moved that the hearing be closed, and the recommendations of the Board of Adjustment be sustained and the change be not granted. The motion carried by the following vote:

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

Noes : None

Pursuant to published notice, the public hearing on the application of TEJAS CLUB 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 to "B" Residence District, to wit:

A tract of land on the west side of Rio Grande Street beginning 232 feet north of the north line of West 28th Street and extending 100 feet north and having a depth of 150 feet west, which tract is out of Outlot 67, Division "D", in the City of Austin, Texas,

was duly opened.

Woodrow Patterson, Attorney for proponents; Jim Smith, President of the University Students Association and member of said Tejas Club; Allen Poindexter and other members of the Club plead for the change on the grounds that they have been unable to find another location as desirable as this one at a reasonable price; that theirs was not a fraternity but a group of older men students; that it is imperative for the growth of the University that larger areas be zoned "B" Residence to permit more houses for students; and that Rio Grande Street from 28th Street south to 19th Street is logically a "B" Residence District.

Morris Gerhardt also plead for the change in zoning to apply to his property at 2804 Rio Grande Street.

Mr. and Mrs. George C. Quinn, Dr. J. W. Calhoun, E. E. Pittman, and a large number of other residents in the vicinity were present and objected to the change in zoning on the grounds that they had invested their life's savings in homes in that area and felt they had a right to expect protection from the city government, and that the noise resulting from the occupancy of this house by such a large number of boys would be objectionable.

No other property owners appearing to be heard, Councilman Wolf moved that the hearing be closed and the recommendations of the Board of Adjustment be sustained and the change be not granted. The motion carried by the following vote:

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

Noes : None

Councilman Wolf then moved that the recommendation of the Board of Adjustment on the Morris Gerhardt property at 2804 Rio Grande Street be sustained, and the change be not granted. The motion carried by the following vote:

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

Noes : None

Melvin Webber, Chairman, and other members of the Housing Committee of the American Veterans Committee came before the Council and requested that, in order to make more material available for the building of houses for veterans that is now being used by civilians, the City Council pass an ordinance requiring that before a building permit is issued to an applicant, such applicant be required to present his priority permit from the Federal Government. After considerable discussion, the Mayor told the committee that such an ordinance would only complicate the building program by additional red tape and not accomplish the desired results. The Council took no further action on

the matter.

The public hearing on the proposal to grant a franchise to Max Tanner and G. A. Evans to construct waiting benches at bus stop locations was opened. No one appeared in person to protest the granting of such franchise, but several protests by telephone and petition were received.

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

AN ORDINANCE GRANTING TO MAX TANNER AND G.A. EVANS, CO-PARTNERS, A FRANCHISE TO CONSTRUCT, ERECT, AND MAINTAIN WAITING BENCHES FOR A PERIOD OF TEN (10) YEARS AT BUS STOP LOCATIONS ON BUS ROUTES IN THE CITY OF AUSTIN AND GRANTING THE USE AND EMPLOY OF THE STREET SIDE OF SUCH BENCHES FOR ADVERTISING; PROVIDING A FIXED CHARGE FOR SAID BENCHES AND PAYMENT OF FIVE PERCENT (5%) OF THE GROSS RECEIPTS FROM SUCH ADVERTISING TO THE CITY OF AUSTIN; PROVIDING FOR THE DESIGNATION OF LOCATIONS AND PROPER CONSTRUCTION AND MAINTENANCE OF SAID BENCHES; REQUIRING PUBLIC LIABILITY INSURANCE OF THE GRANTEEES OF THIS FRANCHISE TO INDEMNIFY THE CITY OF AUSTIN AND GRANTEEES AND TO PROTECT THE PUBLIC; AND PROVIDING A SAVING CLAUSE.

Councilman Wolf moved that the ordinance be read the second time. The motion lost by the following vote:

Ayes : Councilmen Bartholomew and Wolf

Noes : Councilman Glass, Mayor Miller, and Councilman Thornberry.

R. E. Janes came before the Council and submitted an application in writing for permission to construct a temporary wooden bridge across the Colorado River at the foot of Pedernales Street for the purpose of transporting sand and gravel from the south side of the river to the north side and out into the City, thereby reducing the traffic across the present bridges. The matter was referred to the City Manager and the Director of Public Utilities for further investigation .

Mrs. Maude Pridgen came before the Council and submitted a petition in writing to remove unknown or unclaimed bodies from Lot 283, Section 1, Oakwood Cemtery. The matter was referred to the City Attorney for legal opinion.

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

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

That Guiton Morgan, City Manager of the City of Austin, be, and he is hereby, authorized and directed to execute a release of a judgment taken in Cause No. 16,445, styled City of Austin vs. Herbert W. Quick, recorded in Volume 31, page 534, of the Civil Docket of Justice Court, Precinct 3, Place #1, Travis County, Texas, all taxes and costs owing to the City of Austin as contained in said judgment having been paid.

Which motion, carrying with it the adoption of the resolution, prevailed 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)

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

That Guiton Morgan, City Manager, be, and he is hereby, authorized to execute on behalf of the City of Austin a quitclaim deed, quitclaiming and releasing to Mrs. Mary Nolen and Mrs. Josephine Nolen Turnbull all of its right, title, interest, claim and demand in and to Block J in J.E. Bouldin's Addition, a subdivision of part of the Isaac Decker League in the City of Austin, Travis County, Texas, according to a map or plat of said Addition of record in Book 1, page 71, of the Plat Records of Travis County, Texas, for the purpose of replacing a quitclaim deed previously executed by the City of Austin to said grantees in 1940, which has been lost or destroyed.

Which motion, carrying with it the adoption of the resolution, prevailed 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 Calcasieu Lumber Company, acting by and through Fox-Schmidt, has presented to the City Council of the City of Austin a request for permission to construct, maintain and operate a standard catch basin, 24"x24"x36" deep, in West 1st Street Alley, at a location 76 feet west of the west line of Lavaca Street and one foot south of the north property line of said alley within the City of Austin, Travis County, Texas; and

WHEREAS, the Director of Public Works has recommended that said installation be approved and the City Council of the City of Austin has reviewed and considered said application; therefore,

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

That the Calcasieu Lumber Company, acting by and through Fox-Schmidt, be, and the same is hereby, permitted to install a standard catch basin 24"x24"x36" deep, in West 1st Street Alley at a location 76 feet west of the west line of Lavaca Street and one foot south of the north property line of said alley within the City of Austin, Travis County, Texas.

The construction, maintenance and operation of the aforesaid catch basin shall be carried out at the expense of the applicant and under the direction and supervision of the Director of Public Works of the City of Austin or his duly authorized representative, and shall be constructed with extra heavy

traffic frame and cover 24" in diameter, and in the acceptance of this permit the said Calcasieu Lumber Company assumes all damages which may occur to public or private property by virtue of this standard catch basin being placed in West 1st Street Alley at the location above described.

It is further understood that any damages whatsoever caused to existing utilities during the course of construction, maintenance and operation of said standard catch basin shall be paid for by the applicant above named.

Which motion, carrying with it the adoption of the resolution, prevailed 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)

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

That the City Council of the City of Austin hereby approves the property situated on the east side of Georgetown Road as a private gasoline plant, which property is owned by Howard E. Johnson Cookie Company, Inc., and is designated as a tract of land 1.1 acres out of the James P. Wallace Survey in the City of Austin, Travis County, Texas, and hereby authorizes the said Howard E. Johnson Cookie Company, Inc., to operate a private gasoline plant consisting of a 550-gallon underground tank and electric pump for the sole purpose of servicing his own motor equipment, and from which no gasoline is to be sold, subject to the same's being operated in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this private gasoline plant after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Howard E. Johnson Cookie Company, Inc., has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

" Austin, Texas
October 3, 1946

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

I, the undersigned, have considered the application of Howard E. Johnson Cookie Company, Inc., for permission to operate a private gasoline plant consisting of a 550-gallon underground tank and electric pump for the sole purpose of servicing his own motor equipment and from which no gasoline is to

be sold, upon property located on the east side of Georgetown Road, which property is designated as a tract of land, 1.1 acres out of the James P. Wallace Survey in Travis County, Texas, fronting 109 feet on the Georgetown Road and locally known as 6109 Georgetown Road.

This property is located in a "C-1" Commercial District and I recommend that this permit be granted subject to the following conditions:

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

(2) That the pump and tank be located within the 150-foot strip extending eastward from the east line of Georgetown Road and which has been designated on the zoning maps of the City of Austin as being in "C-1" Commercial District.

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

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

Respectfully submitted,

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

Which motion, carrying with it the adoption of the resolution, prevailed 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 qualified electors of the City of Austin by more than sixty per cent (60%) majority, at an election held May 7, 1946, authorized the issuance of bonds in the sum of Nine Hundred Forty Thousand Dollars (\$940,000.00) for the purchase of lands for rights-of-way for streets and boulevards in connection with the State Highway system within the City of Austin; and

WHEREAS, the transcript of said bonds, up to the point of actual issuance of said bonds, has been approved by the Attorney General and by bond attorneys recognized in the national market; and

WHEREAS, the City Council of the City of Austin proposes to purchase the necessary rights-of-way for the construction of an international highway through the City of Austin known as the East Avenue location, and said highway will be an integral part of an international highway throughout the United States

and connecting with Canada and Alaska on the north and Mexico and Central America on the south; and

WHEREAS, the State Highway Department, in its general plan for the construction of that portion of the International Highway within the State of Texas has selected the East Avenue location as being proper from the standpoint of handling both local and through traffic, and on several occasions has notified the City Council of its intention to construct said highway entirely from State and Federal funds without cost to the City of Austin other than the cost of furnishing the rights-of-way; and

WHEREAS, the East Avenue location at approximately its present position, was recognized as a future traffic way by the Commissioners of the Republic of Texas at the time of their selection of Austin as a capital of the Republic; and during the succeeding years, various city plans of the City of Austin have included the East Avenue location as a major traffic artery of the City, and the wisdom of such a location has been approved and furthered by the City Council and Chambers of Commerce and other civic organizations in Austin, and the City Council is in complete agreement with the State Highway Commission as to the advisability and need of this approximate location for the proposed inter-regional highway; now, therefore,

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

THAT the City Manager be, and he is hereby, authorized and instructed to confer with the State Highway Commission, with a view to entering into an agreement that the City of Austin will purchase such right-of-way as may be needed for the construction and maintenance of an inter-regional highway, beginning approximately at 55th Street and running south along East Avenue and crossing the Colorado River and running thence south along a designated route east of South Congress Avenue to a point where such route will intersect the San Antonio highway, approximately in the vicinity of Pleasant Hill, provided that the Highway Commission shall agree to construct and maintain an inter-regional highway along said route, including a bridge over the Colorado River, all such purchases and construction to be initiated at the earliest date that funds therefor are available.

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

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

Noes : None

The application of WILLIAM DOUGLAS CRIDER, 511 West 6th Street, 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 DONALD FRANCIS HOELLER, 1121½ Gunter Street, 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 DANIEL JOEL SCHEUMACK, 72 Chicon Street, for a license to operate as a taxicab a 4-door Ford, 1941 Model, Motor No. 18-6114268, State License No. FV-3594, duly approved by the City Manager, was submitted. 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 following application for a private boat license, duly approved by the Navigation Board, was submitted:

Applicant

Description of Boat

Kennedy, Jack- 911 West James Street	Home-made, Outboard, 1946 Model, Sea King, 4-passenger
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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 FENTON'S PACKAGE STORE NO. 1, 129 $\frac{1}{2}$ West 7th Street, by R. H. Fenton, for a package store license, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

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

Noes : None

The application of ANTHONY FERRIS PACKAGE STORE, 1111 East 6th Street, by Anthony R. Ferris, for a package store license, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

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

Noes : None

The application of M. LAPIN PACKAGE STORE NO. 2, 807 $\frac{1}{2}$ Red River Street, by M. Lapin, for a package store license, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

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

Noes : None

The application of THE BOTTLE SHOP, 408 Congress Avenue, by Rose Tannenbaum, for a local distributor's beer license, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

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

Noes : None

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

"Austin, Texas
October 3, 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 October 1, 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 Henry H. Brooks requesting a change in the Use designation of the following property:

A .956 acre tract of land out of the Isaac Decker League, being located at the southwest corner of Barton Springs Road and Fredericksburg Road, and being more particularly described by metes and bounds in the attached application,

from "A" Residence District to "C" Commercial District and First Height and Area District; and

WHEREAS, the Board of Adjustment held a hearing on this application at a meeting on October 1, 1946, at which hearing the applicant appeared and explained in detail the development which was proposed on this property; and

WHEREAS, several property owners appeared and were under the impression that this change was for a "C-2" Commercial District, and, upon explanation that the change requested was only for a "C" Commercial District, no objection was expressed and Mr. John C. Wende, owner of the property on the opposite side of Fredericksburg Road, affirmed that he had no objection to this change if confined to "C" Commercial uses; and

WHEREAS, the applicant affirmed that his property extends from Barton Springs Road a distance of 286.04 feet along Fredericksburg Road and that 150 feet thereof extending from Barton Springs Road along Fredericksburg Road is now zoned for "C-1" Commercial uses and that he has a lease pending with an oil company for a filling station on the corner of the intersection of Barton Springs Road and Fredericksburg Road, but that the present area zoned was insufficient in size for the proper development as a filling station site and, therefore, requested that the remaining property fronting on Fredericksburg Road be zoned for "C" Commercial purposes in order to permit the development to extend upon this portion of the property; and

WHEREAS, the property requested to be changed lies under a considerable elevation of the terrain and is reasonably level but at its southern limit is only 63.38 feet in depth; and

WHEREAS, the Board deemed that due to the character of the land its short depth would make it undesirable for residential development after all Height and Area District requirements are met, and that this change would merely involve an extension of the present commercial zone to include all of

the property now under a single ownership and would provide a proper development of the property; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT, it is hereby recommended that the above described property be changed from "A" Residence District and First Height and Area District to "C" Commercial District and First Height and Area District.

Respectfully submitted,

BOARD OF ADJUSTMENT

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

A public hearing on the application of Henry H. Brooks for a change in zoning, from "A" Residence District to "C" Commercial District, of the property described in the foregoing report, was called for Thursday, October 24, at 11:00 A. M.

There being no further business, upon motion of Councilman Thornberry, the meeting was recessed at 1:30 P. M., subject to call of the Mayor.

Approved: _____

Tom Miller

MAYOR

Attest:

Shelia M. Kellen

City Clerk