

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

October 10, 1946
11:00 A.M.

Council Chamber, City Hall

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

Roll call

Present : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf
Absent : Councilman Bartholomew.

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.

Pursuant to published notice, the public hearing on the application of Everett H. Givens, owner, and Story Frazier, lessee, to amend the Zoning Ordinance in the following particulars:

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

A portion of Lot 1, Block 1, Outlot 34, Division "B", being located at 1904 East 12th Street, in the City of Austin, Travis County, Texas,

was duly opened.

Kenneth R. Lamkin, Attorney for proponents, plead for the change in order to permit the opening of a package store on the property, declaring that this area should be a community center and was not inconsistent with the long-range plan for the development of the city.

Andres Tasby and Elbert Madison, property owners, stated they were not opposed to the change.

Mrs. Ed Horst, property owner, stated, by telephone, that she had no objection to the change.

The Reverend S. L. Davis, Pastor of the Mt. Calvary Missionary Baptist Church, in person and by letter from his Church, protested the change on the grounds that the additional sale of liquor on this street, which is the main thoroughfare for school children and church attendants, would tend to make worse the very objectionable moral condition already existing there.

No other property owners desiring to be heard, the matter was taken under advisement for an investigation by the City Council of conditions on the ground.

The application of JONAS M. WASHINGTON, 1021½ East 11th Street, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1940 Model, Engine No. 3435697, State License No. CF-8104, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

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

The application of WILLIAM S. TUCKER, 1010 Clermont Avenue, 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 : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf;
Noes : None
Absent: Councilman Bartholomew

The application of JESSE EARL SOMMERS, 1601 East 1st 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 : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf;
Noes : None
Absent: Councilman Bartholomew

The application of CLETIS LEE SHERROD, 96 Lynn 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 : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf;
Noes : None
Absent: Councilman Bartholomew

The application of OPHAL NEWEL MOORE, 507 West 38th 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 : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf;
Noes : None
Absent: Councilman Bartholomew

The application of IVERY MACKAY, JR., Colored, 2512 New York Avenue, 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 : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf;

Noes : None

Absent: Councilman Bartholomew

The application of HOWARD EDWARD PORTER, 1213 Holly Street, for a taxicab driver's permit, was submitted. Councilman Wolf moved that the said Howard Edward Porter be granted a 90-days probationary permit. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf;

Noes : None

Absent: Councilman Bartholomew

The following application for a private boat license, duly approved by the Navigation Board, was submitted:

Applicant

Description of Boat

United States Navy, ROTC Unit

A.P.B. Chrysler Marine, Inboard,
1943 Model, "USN", twelve
passenger

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

Ayes : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf;

Noes : None

Absent: Councilman Bartholomew

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "AN ORDINANCE REGULATING THE OPERATION AND EXHIBITION OF CIRCUSES, WILD WEST SHOWS, THEATRICAL AND DRAMATIC PERFORMANCES, MEDICINE SHOWS, VAUDEVILLE SHOWS, MINSTREL SHOWS, MOVING PICTURE SHOWS, SKATING RINKS, CARNIVALS, MERRY-GO-ROUNDS, FERRIS WHEELS, WHIPS, SKY RIDES, HOBBY HORSES, FLYING JENNIES, BAT-A-BALLS, TILT-A-WHIRLS, PONY RIDES, KIDDY TRAINS, OR OTHER RIDING OR SKILL DEVICES OF SUCH CHARACTER, WITH OR WITHOUT NAME, AND AMUSEMENT PARKS, CONDUCTED UNDER A TENT, AWNING, CANOPY, ENCLOSURE, OR WITHIN A TEMPORARY STRUCTURE, OR OUTSIDE OF A BUILDING, OR IN THE OPEN AIR, WITHIN THE CORPORATE LIMITS OF THE CITY OF AUSTIN; DEFINING CERTAIN WORDS AND PHRASES; PRESCRIBING SPECIAL REGULATIONS FOR AMUSEMENT PARKS; PRESCRIBING PERMITS FOR EVERY SUCH EXHIBITION OR OPERATION AND PRESCRIBING PERMIT FEES FOR AMUSEMENT PARKS; PROVIDING FOR THE REVOCATION OR SUSPENSION OF LICENSES OR PERMITS; PRESCRIBING PENALTIES; REPEALING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL SEPTEMBER 20, 1934, AND RECORDED IN BOOK "J", PAGES 619-620, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, BUT MAKING THIS ORDINANCE CUMULATIVE OF OTHER ORDINANCES WHERE NOT IN CONFLICT OR INCONSISTENT THEREWITH; PROVIDING A SAVING CLAUSE; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL APRIL 23, 1942, AND IS RECORDED IN BOOK L, PAGES 244-247, OF THE ORDINANCE

RECORDS OF THE CITY OF AUSTIN, BY DEFINING DRIVE-IN THEATERS AND PROVIDING REGULATIONS FOR THE CONSTRUCTION AND OPERATION OF DRIVE-IN THEATERS IN THE CITY OF AUSTIN; PROVIDING A SAVING CLAUSE; AND DECLARING AN EMERGENCY,

and moved that the ordinance be laid over for a public hearing at the regular meeting on October 24, and that in the meantime copies of same be furnished each Councilman and any interested person desiring same. The motion carried by the following vote:

Ayes : Councilman Glass, 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 TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON LOTS 7 TO 18, INCLUSIVE, IN BLOCK "B", BLUFFVIEW ADDITION, 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. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Bartholomew

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 : Councilman Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Absent: Councilman Bartholomew

The ordinance was read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Bartholomew

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

The application of DEEP TEX DISTRIBUTORS, 1919 East 7th Street, by John J. Thomas, for a wholesale general distributor's beer license, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the license be granted. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Bartholomew

A letter of protest from Jesse J. Bartlett, Attorney, on behalf of colored taxicab operators who are operating legitimately, protesting against certain colored taxicab operators who are operating without bond, was received. The matter was referred to the Chief of Police for a better enforcement of the Taxicab Ordinance.

The application of the POST OFFICE CAFE, 503 Lavaca Street, by W.L. Turner and Britt P. Kinsey, for a beer and wine permit, recommended for denial by the Chief of Police, the City Attorney, and the City Manager, was submitted. Britt P. Kinsey, applicant, appeared on behalf of the application. After consideration of the facts in the case, Councilman Thornberry moved that the recommendations of the Chief of Police, the City Attorney, and the City Manager be upheld, and the permit be denied. The motion carried by the following vote:

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

Noes : None

Absent: Councilman Bartholomew

Mr. Frank Hemby, President of the Austin Transit Company, appeared before the Council and gave a report on the difficulty his Company is having in its efforts to give the public better service, declaring that said Company has been unable to secure new busses or to get parts for repairs to the old ones, due to strikes at the factories. After hearing the report, the Mayor requested Mr. Hemby to continue his efforts to get the busses here as quickly as possible.

City Manager, Guiton Morgan, presented a letter to the City Council from Mr. J. A. Rauhut of Powell, Wirtz, Rauhut and Gideon, representing the Sinclair Refining Company, indicating that consent of the United States Government to the location of a pipeline across Bergstrom Field could not be obtained and that the company had relocated the line and would not need the easement authorized to be executed in behalf of the City of Austin by resolution of the City Council adopted February 7, 1946. The City Council thereupon unanimously adopted a resolution rescinding its action of February 7, 1946, by which the easement was granted, and directed that no easement be executed in favor of the Sinclair Refining Company for a pipeline on the Bergstrom Field property.

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

Approved: Tom Miller

MAYOR

Attest:

Shelia M. Allen

City Clerk