

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

May 12, 1949
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Glass presiding.

Roll call:

Present: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
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 minutes of the previous meeting were read and approved.

Councilman Johnson moved that the following applications for changes in zoning be referred to the Zoning Board of Adjustment for consideration and recommendation:

A. F. DeLoney 3501-3509 Mills Ave. From "A" to "B"
 3500-3512 Lakeside Blvd. From "A" to "C"

Ben King, for
T. T. Smith &

J. E. Peck 607 West 12th Street From "B" to "C"

Mrs. Geo. Nalle 1205-1211 Red River From "C" to "C-1"

The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

Councilman Drake moved that all Zoning matters be heard on the first and third Tuesdays of each month, instead of being taken up at the regular meetings on Thursdays; and that hearings be advertised for 10:00 A. M. instead of 11:00 A. M. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

Councilman Long moved that public hearings on the following applications for change in zoning be set for the first Tuesday in June, June 7, 1949, at 10:00 A.M.

JOE B. TORREZ	Lot 6, Blk. 1, Buena Vista Subdivision, Outlot 9, 2211 Santa Rita Street	From "B" to "C" Not recommended by the Zoning Board of Adjust- ment.
LEOPOLD COHN	Lot 20, Blk 1, Duval Sub- division, Outlot 1, Div. Z, 501 Walsh Street	From "B" to "C" Recommended by Zoning Board of Adjustment
NICK LINZ	East $\frac{1}{2}$ of Lot 2; all of Lot 3, Hart Addition, Blk. 16, Outlot 26, Div. C, 806 East 20th Street	From "A" to "C" Recommended by Zoning Board of Adjustment
JACK KEY	Lots 14 & 15, Blk. 1, Out- lot 29, Div. C. University Park, 3413 & 3415 E. Avenue	From "A" to "C" Recommended by Zoning Board of Adjustment

The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The Mayor 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 BOOK "I", PAGES 301-318, 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 "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON: (1) LOT 6, BLOCK 15,

AND LOT 7, BLOCK 16, OUTLOTS 32 AND 33, DIVISION "B"; (2) LOTS 1 AND 2, BLOCK 2, UNIVERSITY PARK; (3) LOT 2, BLOCK 10, OUTLOTS 20 & 21, DIVISION "C"; (4) LOT 24, DUVAL HEIGHTS; (5) LOTS 12 & 13, BLOCK 1, OUTLOT 29, DIVISION "C", UNIVERSITY PARK; (6) EAST 811.87'x300' OF 32.5 ACRE TRACT ON WEST SIDE OF INTERREGIONAL HIGHWAY BETWEEN ST. JOHNS AVENUE AND BLOCK 3 OF ST JOHNS HOME ADDITION; (7) LOTS 3, 4, 5, & 6, BLOCK 2, OUTLOT 29, DIVISION "C", UNIVERSITY PARK; (8) SOUTH 52 FEET OF LOT 4 AND NORTH 75 FEET OF LOT 5, BLOCK "V", RIDGE-TOP FOURTH ADDITION; CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON LOTS 38 TO 56, ALLANDALE, SECTION 1; CHANGING THE USE DESIGNATION FROM "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "C-1" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON 1.331 ACRES OF LOT 33, ROBARDS SUBDIVISION, 1.66 ACRES OF LOT 33, ROBARDS SUBDIVISION, AND 1.66 ACRES OUT OF SOUTHEAST PART OF LOT 33 AND NORTHEAST PART OF LOT 34, ROBARDS SUBDIVISION; ALL OF SAID PROPERTY BEING IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to the second reading. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was read the second time and Councilman MacCorkle moved that the rule be suspended and the ordinance passed to the third reading. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

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

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

Councilman Drake offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the 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 WYNONA AVENUE, across Allandale Road intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said WYNONA AVENUE.

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

(2) A gas main in SHOALWOOD AVENUE across Allandale Road intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said SHOALWOOD AVENUE.

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

(3) A gas main in WOODVIEW AVENUE across Allandale Road intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of WOODVIEW AVENUE.

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

(4) A gas main in BULL CREEK ROAD across Allandale Road intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said BULL CREEK ROAD.

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

(5) A gas main in WEST 24th STREET across Lamar Boulevard intersection, the centerline of which gas main shall be $10\frac{1}{2}$ feet south of and parallel to the north property line of said WEST 24th STREET.

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

(6) A gas main in BENNETT AVENUE, from East 55th Street northerly 655 feet, the centerline of which gas main shall be 9 feet west of and parallel to the east property line of said BENNETT AVENUE.

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

(7) A gas main in McCALL ROAD, from Indian Trail southerly 50 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 McCALL ROAD.

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

(8) A gas main in WINFLO DRIVE across Brownlee Circle intersection, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said WINFLO DRIVE.

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

(9) A gas main in WINFLO DRIVE, from Brownlee Circle southerly 109 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 WINFLO DRIVE.

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

(10) A gas main in EAST $23\frac{1}{2}$ STREET from Oldham Street westerly 72 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said EAST $23\frac{1}{2}$ STREET.

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

(11) A gas main in WEST 40TH STREET, from Ramsey Avenue westerly 16 feet, the centerline of which gas main shall be 13 feet south of and parallel to the north property line of said WEST 40th STREET.

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

(12) A gas main in CUMBERLAND ROAD, from Wilson Street easterly 76 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said CUMBERLAND ROAD.

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

(13) A gas main in STARK STREET, from a point 428 feet west of Georgetown Road westerly 109 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said STARK STREET.

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 franchises granted to said company by the City of Austin.

The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

The City Manager made a report as to the railroad crossing situation with regard to the railroad crossing and its relation to traffic, and the condition of the railroad crossing itself. Representatives from the Missouri Pacific are due to come into Austin the early part of the week of May 16-21 to discuss these problems. The City Manager was instructed to have the program outlined and to discuss it with the representatives when they arrive in Austin.

The City Manager brought up the Dog Quarantine matter, stating the City was going to have to tighten up on the enforcement of the ordinance; and when the present six months' quarantine expired, he recommended the quarantine be continued another six months, as there were still cases of rabies. He recommended filing cases against people who willfully ignored this ordinance. The Council decided to take this up at the expiration of the present six months' period and to hear from the dog owners on the quarantine; but instructed the City Manager and Chief of Police to enforce the present ordinance.

The Council instructed the City Manager to continue the spraying through the summer, and cutting of brush and weeds by the Health Department, in the prevention of any outbreaks of Polio. The City Manager reported that spraying had been started 30 days earlier this year, and the Bergstrom Field had loaned four extra trucks to help in this drive.

The Council discussed the possibility of making the City property on 4th Street and Guadalupe a public parking lot. The City Attorney and City Engineer were instructed to look into this matter and see what the costs would be to operate and maintain a parking lot, with one or two attendants, and report to the Council at its next meeting.

The Council discussed the matter of making a survey of loading zones that were not being used, in the interest of establishing extra parking places. It was decided to bring this matter up for further discussion as the next regular Council meeting.

The Mayor introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTIONS 21(b) AND 23(d) OF ARTICLE IV RELATING RESPECTIVELY TO NO PARKING AND LOADING ZONE LOCATIONS, AND AMENDING SECTION 34(b) OF ARTICLE V RELATING TO ONE-WAY STREETS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Johnson moved that the rule be suspended and the ordinance passed to the second reading. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was read the second time and Councilman Johnson moved that the rule be suspended and the ordinance passed to the third reading. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

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

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

Laurence Owens (Colored) appeared before the Council regarding the Owens Subdivision, and was instructed to get in touch with the Director of Public Works with reference to full details as to getting his subdivision approved and zoned.

Councilman MacCorkle inquired as to the possibility of relieving the parking congestion around the University and of making some of the streets one-way streets. After discussing this matter, the City Manager was instructed to arrange a meeting with the Planning Commission and University officials to work out a plan on parking, one-way streets, off-street parking, etc.

The Council agreed to visit the Hospital at its open house at 4:30, and to make an official inspection of the Hospital.

The Mayor introduced the following ordinance:

AN ORDINANCE PERPETUALLY CLOSING AND VACATING A PORTION OF WEST 10TH STREET, LYING BETWEEN BLOCK 2 AND BLOCK 4 OF THE THERESA MARTIN SUBDIVISION, AS SHOWN IN BOOK Y AT PAGE 504 OF THE MINUTES OF THE DISTRICT COURT OF TRAVIS COUNTY, TEXAS; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Johnson moved that the rule be suspended and the ordinance passed to the second reading. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The ordinance was read the second time and Councilman Johnson moved that the rule be suspended and the ordinance passed to the third reading. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

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

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The Mayor issued a proclamation proclaiming the week of May 15 through May 22, as AUSTIN SYMPHONY WEEK.

The public hearing on the following application, postponed from May 5, to May 12, 1949, at 11:00 A.M. was held:

JAKE SILBERSTEIN

Change from "C" Commercial to "C-1" Commercial, South one-half of Lot 23, Outlot 55, Division B, located at 1014-16 East 11th Street.

Mr. Silberstein appeared for the change. A number of property owners living in this neighborhood appeared and vigorously protested, stating the places already zone "C-1" were numerous and were a source of trouble, and were detrimental to the morals and welfare of the neighborhood; that there was a church site less than 300 feet from this location.

Councilman Johnson moved that the recommendation of the Board of Adjustment be sustained and the change as requested be NOT granted. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

The hearing on the application of W. E. Thompson for a change in zoning of his property located at 809-811 Capitol Court, from "A" Residence District to "C" Commercial District, which was continued from the last meeting of the Council was resumed. Mr. Thompson appeared for the change, and several property owners appeared in protest, but stated they had no additional protest other than those previously voiced. After a lengthy discussion of this requested change, pro and con, the Mayor called for a vote of the Council. The vote was to be "Aye" if the Councilman favored sustaining the Board of Adjustment in their recommendation, and "No" if they did not wish to sustain the recommendation. The roll call showed the following:

Ayes: Councilmen Johnson, and MacCorkle

Rule of 1/5 does not apply.

Noes: Councilmen Drake, Long, Mayor Glass.

(Change denied)

Councilman Long moved that the following applications for taxi-cab operators' licenses, duly approved by the City Manager be granted:

Taxicab Operator Permits

D. V. SAMUEL

1500 Newning

1947 Chevrolet, Motor EAC 600404, License FL 5088

VIRGIL BALL ALFORD

2021 E. 2nd Street

1948 4-door Chevrolet, License No. KK 5803,

Motor No. PAA 102366

The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Councilman Long moved that the following applications for taxicab driver's permits, duly approved by the City Manager, be granted:

Taxicab Drivers' Permits

HOLLIS W. POLVADO

1300 South 1st Street

EUGENE VAUGHAN HENRY

2008 Haskell

HERBERT GEORGE KOHLER

413 El Paso Street

KENNETH CLEO ENGLISH

1215 Parkway

The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Councilman Long moved that the following application for boat license, duly approved by the City Manager, be granted:

DANIEL E. GRIEDER -

3400 Windsor Road, Private Boat, Outboard Motor

The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

Councilman Long moved that the following application for Beer and Wine Permit, duly approved by the City Manager, be granted:

BENOIT'S CAFE, Mrs. Philip Benoit, 2900 South Congress Avenue

The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass

Noes: None

There being no further business, upon motion of Councilman Johnson, the meeting recessed at 12:20, subject to call of the Mayor.

APPROVED:

Taylor Glass
Mayor

ATTEST:

Elise Hensley
Acting City Clerk