

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 7, 1950
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, Mayor Glass

Absent: Councilman MacCorkle

Present also: Walter E. Seaholm, City Manager; Trueman E. O'Quinn, City Attorney; C. G. Levander, Director of Public Works; R. D. Thorp, Chief of Police; Dr. Ben Primer, City Health Officer.

Councilman Johnson moved that since copies of the minutes of the last meeting of the City Council have been furnished Council members by the City Clerk, the reading of the minutes be dispensed with and that the minutes be approved as individually read by the Council in the Clerk's report. Upon being duly seconded by Councilman Drake, the motion was unanimously adopted by the Council, and the minutes so approved.

MRS. J. L. WIER, 2003 GARDEN, came before the Council, stating she had torn down her home to rebuild; and when she applied for a permit, her lot was not large enough to accomodate the proposed new home plus the two existing apartments on the rear of the lot. She was asking special permission from the Council to rebuild her home. The Council decided to study this to see what they could do in this special case and stated she would be notified as soon as possible.

MR. A. B. ROSSEN, 600 West 6th Street, complained to the Council about numerous dogs in that block barking all night and tearing up the garbage cans, and asked that an ordinance be passed requiring people to keep their dogs up.

Councilman Drake offered the following resolution and moved its adoption:

(RESOLUTION)

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

That, pursuant to provisions of Section 6, paragraph 33, of the "Zoning Ordinance" of the City of Austin, as amended, permit for erection, maintenance, and operation of certain buildings, to be used for veterinary hospital for the treatment of cats, dogs, and other domestic animals, issue as follows:

To the Wupperman-Spangler Animal Hospital, at 5916 Dallas Highway (Lamar Boulevard), for a building measuring 40 by 10 feet, with ten exercise pens on each side of said building, each 4 by 10 feet; located on a plot of land 325 by 500 feet; the exercise pens and all outdoor kennels to be located not closer than 100 feet from such property lines; all in compliance with other ordinances, rules, and regulations of the City of Austin applicable to such construction and operation.

Which motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

Mayor Glass introduced the following ordinance:

AN ORDINANCE AMENDING IN CERTAIN PARTICULARS THAT CERTAIN ORDINANCE ENTITLED, "AN ORDINANCE REGULATING TAXICAB SERVICES IN THE CITY OF AUSTIN AND PRESCRIBING RULES AND STANDARDS FOR THE OPERATION AND CONTROL OF SUCH SERVICES IN THE PUBLIC INTEREST; PROVIDING FOR THE GRANTING OF FRANCHISES FOR TAXICAB SERVICES AND CREATING THE TAXICAB FRANCHISE COMMISSION; REQUIRING REGISTRATION OF ALL DRIVERS OF TAXICABS; REQUIRING THE INSTALLATION OF TAXIMETERS ON ALL TAXICABS AND FIXING MAXIMUM FARES; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING A SAVING CLAUSE; PRESCRIBING PENALTIES FOR VIOLATION OF THIS ORDINANCE; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL JUNE 8, 1950, AND IS RECORDED IN BOOK "P", PAGES 321-345, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTIONS 34, 37(c), 56 AND 65; AND DECLARING AN EMERGENCY.

The ordinance was read the first time, and Councilman Long moved that the ordinance be passed to its second reading. The motion, duly seconded by Councilman Drake, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be and he is hereby authorized and directed to enter into a contract in behalf of the City of Austin with Mt. Vernon Motor Courts Ltd. by which certain property belonging to the City of Austin will be permanently improved by Mt. Vernon Motor Courts Ltd. without cost to the City and used by such company for traffic purposes only, such property being more particularly described as follows:

0.825 of One Acre of land, same being out of and a part of that certain 1.79 acre tract of land out of the Thomas Hawkins Survey No. 9 in the City of Austin, Travis County, Texas, which was conveyed to the City of Austin by warranty deed dated August 8, 1944, of record in Volume 747 at page 139 of the Deed Records of Travis County, Texas, which 0.825 of one acre of land is more particularly described by metes and bounds as follows:

BEGINNING at an iron stake at the northwest corner of the said 1.79 acre City of Austin tract, and on the east line of the Interregional Highway;

THENCE with the north line of said 1.79 acre tract, S. $59^{\circ} 34'$ E. 377.03 feet to an iron stake at the northeast corner of said 1.79 acre tract, said iron stake also being on the west right-of-way line of the H. & T. C. Railroad, said west right-of-way line being a curve whose radius is 2893.71 feet;

THENCE following said curving west right-of-way line to the left an arc distance of 385.17 feet, the subchord of which arc bears S. $8^{\circ} 23'$ E. 385.00 feet to a steel pin;

THENCE N. $59^{\circ} 34'$ W. 67.47 feet to a point on the west line of said 1.79 acre tract, same being a segment of a curve having a radius of 2943.71 feet;

THENCE following said curving line to the right an arc distance of 320.09 feet, the subchord of which arc bears N. $8^{\circ} 12'$ W. 319.93 feet to an iron stake on a corner of said 1.79 acre tract;

THENCE following the south line of said 1.79 acre tract of land, N. $59^{\circ} 34'$ W. 349.50 feet to an iron stake on the east right-of-way line of the Interregional Highway;

THENCE with the east right-of-way line of the Interregional Highway N. $28^{\circ} 28'$ E. 50.00 feet to the point of beginning.

Which motion, duly seconded by Councilman Drake, carried by the following vote:

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be and he is hereby authorized and directed to accept from the State of Texas, acting by and through Homer Garrison, Director, Texas State Department of Public Safety, an easement and dedication to the public of certain lands for street and boulevard purposes, said street or boulevard to be an extension of a proposed relocation of Koenig Lane in the City of Austin from Dallas Highway (Lamar Boulevard) easterly to certain property now being developed by L. L. McCandless and associates, such tract granted by the State of Texas being more particularly described by metes and bounds in the instrument conveying such easement and making said dedication to the public, as approved by the Department of Public Works of the City of Austin and the Plan Commission of the City of Austin.

Which motion, duly seconded by Councilman Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass
Noes: None
Absent: Councilman MacGorkle

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with the Tex Realty Company, for the laying of certain water mains and other pipes in Springdale Road, in Tanney Street, in Spur Street, in Sara Drive, in Map Street, in Denfield Street and in Mark Street, in accordance with the terms and provisions of a certain contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Contract attached)

THE STATE OF TEXAS:

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF TRAVIS:

This contract made and entered into by and between the City of Austin, a municipal corporation situated in Travis County, Texas, hereinafter for convenience sometimes called the City, and Tex Realty Company, Inc., a corporation created under the laws of the State of Texas, hereinafter called "Customer",
W I T N E S S E T H:

I.

For the consideration hereinafter stated, the City of Austin agrees to furnish all labor, tools, equipment, implements, appliances and materials

necessary to lay, and agrees to lay certain water mains and other pipes, in accordance with plans and specifications prepared or approved by the Superintendent of Water Department and the Director of Public Works of the City of Austin, in the streets and at the locations described as follows:

Eight-inch (8") cast iron water main in Springdale Road from Webberville Road to Tanney Street

Six-inch (6") cast iron water mains in Tanney Street from Springdale to Spur Street. Spur Street from Tanney Street to Sara Drive. Sara Drive from Spur Street to Map Street.

Two-inch (2") cast iron water mains in Map Street from Sara Drive to Tanney Street. Denfield Street from Sara Drive to Tanney Street. Mark Street from Sara Drive to Tanney Street.

II.

It is estimated that the work described in Paragraph I will cost the sum of Seven Thousand Seven Hundred Fifty Eight Dollars and Seventy Cents (\$7,758.70) when completed, and the Customer, in consideration of the benefits to be derived by him and his successors from the improvements above described, agrees to deposit such sum of money with the City of Austin prior to the commencement of such work.

III.

Within a reasonable time after the deposit of such sum of money as provided in Paragraph II, the City of Austin agrees to commence construction of the improvements described in Paragraph I, and to prosecute said work in a good and workmanlike manner and with reasonable diligence until fully completed; but delays occasioned by matters and events over which the City has no control shall be excepted and not included in the time reasonably required to complete the work.

IV.

The deposit provided for in Paragraph II is an estimate only of the cost of constructing the improvements described in Paragraph I, and it is agreed that if the actual cost of such work is less than the amount so deposited, by the Customer, the City of Austin, after the work is completed will refund to the Customer the difference between the actual cost and the estimated cost of such work, but if the actual cost of such work shall exceed the amount of said deposit, the Customer agrees upon notice from the City immediately to deposit an additional sum to make up the difference between the estimated cost and the actual cost of the work. The amount of actual cost of the work shall in any event be retained by the City and shall not be refunded.

V.

It is agreed that title to all such improvements herein provided for shall be and remain in the City of Austin, and the City may make such repairs, changes and connections therewith as may be proper or necessary to the orderly conduct of its water system.

VI.

The Customer further agrees to obtain for the City of Austin, or to obtain and transfer to the City of Austin, all easements across private property which may be necessary for the construction of the improvements herein provided for, and for the connection of such improvements with the present water system of the City.

VII.

Upon completion of said improvements, City of Austin agrees to connect such water mains with its water system, and thereafter to maintain them as a part of such system.

IN TESTIMONY WHEREOF, the City of Austin has caused this instrument to be executed in duplicate by its City Manager, attested by its City Clerk, with its corporate seal affixed, and the said Tex Realty Company, Inc., has caused this instrument to be executed in duplicate by Ralph Oakley, its President, and attested by its Secretary, this the _____ day of _____, 1950.

CITY OF AUSTIN

By _____
City Manager

Tex Realty Company, Inc.

By _____
President

ATTEST:

City Clerk

ATTEST:

Secretary

APPROVED:

Superintendent Water Dept.

Director of Public Works

City Attorney

Which motion, duly seconded by Councilman Drake, carried by the following vote:

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

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, O'Connell and Morton are the Contractors for the erection of a building located at 1912-18 Guadalupe Street and desires a portion of the sidewalk and street space abutting Lot 40, Outlot 42, Division D, in the City of Austin, Travis County, Texas, during the erection 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 by granted to said O'Connell and Morton, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the northeast corner of the above described property; thence in an easterly direction and at right angles to the centerline of Guadalupe Street to a point 12 feet east of the west curb line; thence in a southerly direction and parallel with the centerline of Guadalupe Street approximately 70 feet to a point; thence in a westerly direction and at right angles to the centerline of Guadalupe Street to the southeast corner of the above described property.

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

(1). That the Contractor shall construct a 4-foot walkway within the outer boundaries of the above described working space, such walkway to be protected on each side by a guard rail at least 4 feet high and substantially braced and anchored, and without wood strips or obstructions of any kind along the pavement within the walkway, and at any time in the opinion of the City officials, it becomes necessary for any reason to install a board floor within the walkway, the Contractor shall upon notice from the Building Inspector immediately place such a wood floor and substantially support same to prevent sagging under load.

(2). That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3). That no vehicles in loading or unloading material at the working space shall park or any part of the street outside of the allotted working space.

(4). That "No Parking" signs shall be placed on the street side of the barricades.

(5). That the Contractor is permitted to construct a temporary work

office within such allotted working space, provided such work office is not within 25 feet of any corner street intersection.

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

(7). 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.

(8). 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.

(9). 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 March 1, 1951.

(10). 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.

(11). 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.

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

(13). That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or 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, duly seconded by Councilman Long, carried by the following vote:

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

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, by virtue of an order of sale issued July 18, 1929, out of the District Court of Travis County, Texas, in Cause No. 45,809, styled City of Austin v. E. J. Carrington, et al, the property hereinafter described was sold for taxes by the Sheriff of Travis County, Texas, to the City of Austin on the 1st day of October, 1929; and

WHEREAS, the taxes involved in the tax suit upon which said sale was based have been fully paid and satisfied; Now, Therefore,

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

That W. E. Seaholm, City Manager, be and he is hereby authorized and directed to execute a quitclaim deed for and on behalf of the City of Austin to E. J. Carrington, his assigns and successors in title, conveying all right, title and interest of the City of Austin in and to the northeast one-fourth (NE $\frac{1}{4}$) of Lot 8 (K), Block 14, Maas Addition in the City of Austin, Travis County, Texas.

Which motion, duly seconded by Councilman Drake, carried by the following vote:

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

The Council received the following letter:

" September 5, 1950

To the City Council
City of Austin, Texas

Re: Completion and Acceptance of Work
of Improving Kenwood Avenue from
Algarita Avenue to Gillespie,
being Unit 6 of Current Improve-
ment Program

The work of improving Kenwood Avenue from north property line of Algarita Avenue to the south property line of Gillespie Place, known as Unit 6 in the current street improvement program, has been performed and completed by Collins Construction Company of Texas in full compliance with the contract, and the Plans and Specifications therein contained, dated November 22, 1949, between the City of Austin and Collins Construction, which contract was thereafter assigned to Collins Construction Company of Texas.

I have inspected, approved and accepted the work and improvements referred to, and I now recommend that the same be accepted and received by the City Council as having been performed and completed in compliance with the contract, Plans and Specifications referred to above.

Respectfully submitted,
(Sgd) C. G. Levander
Director of Public Works
City of Austin, Texas "

Mayor Glass then introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING KENWOOD AVENUE, UNIT 6, IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREIN-BELOW DEFINED, PERFORMED BY COLLINS CONSTRUCTION COMPANY OF TEXAS, AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

The ordinance was read the first time, and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, duly seconded by Councilman Drake, carried by the following vote:

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

The ordinance was read the second time, and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, duly seconded by Councilman Drake, carried by the following vote:

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

The ordinance was read the third time, and Councilman Long moved that the ordinance be finally passed. The motion, duly seconded by Councilman Drake, carried by the following vote:

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

The Mayor then announced that the ordinance had been finally passed.

The City Manager submitted the following recommendation:

STATEMENT OF POLICY ON MILITARY LEAVE:

It shall be the policy of the City of Austin to grant military leave of absence to certain employees, as defined under Section I, who are called or volunteer to enter the armed forces of the United States. Such military leave of absence shall continue so long as the armed forces require the services of the employee. Upon entering the armed forces, eligible employees shall be paid for the vacation earned up until the date of termination of service with the City. In addition, such employees may retain membership in the Retirement System of the City under the conditions outlined under Section III-B. Employees granted military leaves of absence are guaranteed re-employment rights with the City subject to Section IV below.

I. DEFINITION OF EMPLOYEES ELIGIBLE FOR MILITARY LEAVE OF ABSENCE:

Employees who are members of the Retirement System or who are holding full time permanent positions and are satisfactorily performing their duties shall be entitled to military leaves of absence.

II. REMUNERATION FOR EMPLOYEES GRANTED MILITARY LEAVE OF ABSENCE:

Employees granted military leaves of absence shall be entitled to the following remuneration:

A. Vacation: Employees who have not taken all of their earned vacation during the current year shall be paid for the vacation due them upon their termination of service with the city.

Upon entering the armed forces, employees on military leave shall be granted pay for that portion of next year's vacation earned todate, such vacation to computed in the regular manner from January 1 or the current year through the last day of service shown on the payroll.

III. STATUS OF OTHER BENEFITS:

A. Sick Leave: Sick leave accumulated up to the date of military leave shall remain tothe credit of the employees until their return. Sick leave will not be earned by employees while on military leave.

B. Retirement: Employees who leave their deposits with the Retirement System while on military leave shall retain their membership in the Retirement System. The period spent by such employees on military leave shall count toward membership service but shall not increase the retirement benefits due the employee unless he makes retirement deposits to cover all or a portion of the time spent on military leave. If the employee does make such retirement contributions after returning from military leave, the City shall match such deposits of the employee.

Employees desiring to withdraw their retirement deposits from the System when they enter upon military leave may do so. However, such action means that these employees will lose retirement credit for the years they belonged to the Retirement System prior to entering on military leave. Employees who withdraw their deposits and later return to employment with the city shall have their military leave time counted toward membership service, but toward an increase of retirement benefits due the employee unless the employee makes retirement contributions to cover all or a portion of the time spent on military leave. If the employee does make such retirement contributions after returning from military leave, the city shall match such deposits of the employee.

IV. RE-EMPLOYMENT RIGHTS OF RETURNING MEMBERS OF THE ARMED FORCES:

Although the provisions of the Selective Service Act of 1948 requiring re-employment of returning members of the armed forces do not apply to cities, it is our intention to follow the Act insofar as possible. Subject to Paragraph A below, all employees who have been granted a military leave of absence, and who apply for re-instatement with the City not later than ninety days after being discharged or separated from the armed forces, will be re-employed in the same position or a position of like seniority, status, and pay.

A. In the event two or more employees have occupied the same

position and have been called into service, the first employee occupying and leaving such position after the effective date of this policy shall have first priority on re-instatement, the second person occupying and leaving such position shall have second consideration, etc. An attempt will be made to re-employ every employee who enters the armed forces and upon his release, desires to re-enter employment with the City of Austin.

V. INTERPRETATION OF THIS POLICY:

Questions regarding the interpretation of this policy should be taken up with the Personnel Department for clarification.

Councilman Johnson moved that the Military Leave Policy be approved as recommended. The motion, duly seconded by Councilman Drake, carried by the following vote:

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

The application of MRS. STERLING W. ADAIR for a nursery school at 809 Rio Grande was laid over until the meeting of September 14th, so that the neighbors could be notified.

DR. EVERETT GIVENS, representing the Negro Citizens Council, appeared before the Council stating he had a petition representing ninety-two homes that had no water, and asked that these people be taken into the City limits, which would include EASTFIELD, MASON FIELD, CHERNOSKY No. 7 and No. 8. He stated another petition was signed by 67 persons, whose closest water plug was between three and five blocks, and the fire insurance was so high, they could not afford to pay it.

HENRY PRYOR came before the Council stating people were playing golf on the Rosewood Playground, and the balls were hitting the children, were breaking windows and windshields. He complained of the young boys' profanity. The matter of the profanity was referred to the Recreation Department to straighten out through GEORGE MABSON, Rosewood Park. The Mayor suggested that plans be made to provide a nine-hole golf course for the colored people in that part of town.

MR. ERWIN K. STORK, Attorney from Mr. G. M. Chandler, appeared before the Council and withdrew the zoning request of Mr. Chandler for change of zoning of his property at 2000 South Congress Avenue from "C-1" Commercial to "C-2" Commercial.

With regard to a five-day week for City Employees, Councilman Drake stated he would like to have another week to study the recommendation, and the Council postponed action on this matter until September 14th, and requested that the employees continue on the summer schedule until the next week.

The Mayor introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE AMENDING AN ORDINANCE ENTITLED 'AN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; AND REGULATING AND DISTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND FOR TRADE INDUSTRY, RESIDENCES AND OTHER PURPOSES; AND DIVIDING THE CITY OF AUSTIN INTO DISTRICTS OR ZONES, AND REGULATING AND DISTRICTING THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR AND USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS OR ZONES; AND PROVIDING UNIFORM REGULATIONS FOR THE SEVERAL CLASSES AND KINDS OF BUILDINGS OR STRUCTURES AND USES WITHIN THE DISTRICTS OR ZONES; AND ADOPTING TWO ZONING MAPS, DISCLOSING RESPECTIVELY THE SEVERAL USE DISTRICTS AND THE SEVERAL HEIGHT AND AREA DISTRICTS, AND THE RESTRICTIONS AND LIMITATIONS AND PROVISIONS APPLICABLE TO SUCH DISTRICTS; AND PROVIDING FOR A BOARD OF ADJUSTMENT AND DEFINING THE POWERS OF SAME; AND PROVIDING CERTAIN PENALTIES AND REMEDIES; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL ON APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", AT PAGES 301-318 OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY ENACTING A COMPREHENSIVE REVISION, IMPROVEMENT, AND AMENDMENT OF SAID ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL JULY 17, 1941, AND IS RECORDED IN ORDINANCE BOOK "L", PAGES 152 to 174, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY ADDING TO SECTION 7 OF SAID ORDINANCE PARAGRAPH #3 TO PERMIT THE SALE OF BEER AS DEFINED BY STATE LAW IN CASES OR UNBROKEN CARTONS CONTAINING NOT LESS THAN SIX BOTTLES OR CANS FOR OFF-PREMISE CONSUMPTION ONLY; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

Public hearing on this ordinance was advertised for 11:00 A.M. this date. The City Attorney made an explanation of the proposed change in ordinance. Opposition to making beer available in grocery stores was expressed by MRS. L. E. STEVENSON. MR. JOHN DAVIDSON, 2009 Kenwood opposed this amendment, and read an article from the Brewers' Journal of January, 1949, stating this article on selling more beer advised that the place to sell more beer was for home consumption, and that women did 90% of the buying, and to promote the sale of beer as a beverage at meal time. Mr. Davidson stated this was an attack on the homes. REV. HARRY PESNELL expressed opposition, and submitted petitions requesting that the Council not permit any amendment to be passed that would relax regulations governing the sale of beer in grocery stores. MRS. L. B. RANDERSON and MRS. THOMAS JENSEN spoke opposition to the change stating their interest in morals. R. G. WARNER, Seventh Day Adventist, objected to additional outlets for the sale of beer. REV. R. L. COLE, Capitol Heights Baptist Church spoke in opposition.

J. L. WHATLEY, asked that the Council not approve the amendment. MISS FAY GARTMENT, teacher, MRS. VIRGINIA PECK spoke against the amendment. MR. HERMAN JONES explained why the amendment was considered, stating he believed it would tend to erase the honky tonks, and that the ordinance as was written was not good, and that this amendment would help in the control and regulation of the sale of beer. THE MAYOR stated it was not designed to open up the grocery stores to beer, but that grocery stores in the C-1 zones could sell it -- then people could take it home and drink it. Otherwise, people desiring to sell beer-to-go had to ask for "C-2" classifications, which would permit also "joints", "Taverns" etc. M. H. CROCKETT spoke in favor of the amendment as did S. J. Aronson. Councilman Johnson stated he would vote for the amendment if provision would be made that the sale of this beer would be "hot" beer and not be cold or iced. It would be unfair to the cafe men if it were cold. The City Attorney stated the amendment was that it would be in unbroken packages, and that the temperature could not be controlled.

Councilman Drake moved that the ordinance be passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Drake, Long, Mayor Glass
Noes: Councilman Johnson
Absent: Councilman MacCorkle

In accordance with the published notice thereof, at 10:30 o'clock A.M. it was announced that the Council would proceed with the hearing involving the improvement of certain streets in the City, the benefits which would result to the abutting property and owners, the amount of the costs of such improvements to be assessed against the abutting property and owners, and all related matters. A list of the streets proposed to be improved, beginning with Gilbert Street from Matthews Drive to Rockmoor Avenue was read.

The Assistant Director of Public Works was called upon to describe the proposed paving program. He described the improvement work to be done, explaining that the paving to be installed is a permanent type consisting of 4" flexible sub-base with 6" hot-mix asphaltic concrete surface, with curbs and gutters.

Two real estate men, Mr. Pat Adelman and Mr. Ben E. King, were called upon to make statements to the council in connection with the proposed assessments.

Mr. Pat Adelman stated that he is in the Real Estate and General Insurance business in Austin, and that he has been in that business since April 1, 1946; that he has had occasion to observe and is familiar with property values in Austin. He further stated that he is familiar with all of the streets involved in this program and took the time to go over most of them again to familiarize himself with the conditions and need for paving and the enhancement in value to abutting property which will result. He further stated that he had been furnished a list of the streets to be paved and was familiar with the costs to be assessed, and that in his opinion each parcel of property abutting each of the streets involved will be enhanced in value by the paving improvements in excess of the amount of the cost of such paving to be assessed against such property as set out in the published notice of this hearing.

Mr. Ben E. King stated that he is a real estate appraiser and has been in

that business for a number of years, the last nine or ten months being devoted to nothing except property appraisals in the city, and that he is familiar with property values in Austin. He further stated that he had been furnished a list of the streets to be paved and a schedule showing the costs proposed to be assessed against abutting property, and that he is familiar with all the property abutting upon all streets to be paved, and in his opinion each piece of property abutting on each unit to be paved will be enhanced in value more than the cost of the paving proposed to be assessed against such properties, as set out in the published notice for this hearing.

A number of property owners were present and all were given an opportunity to ask questions and make statements.

Mr. John E. Stullken, who resides at 209 West 33rd Street, stated that he owned 90 feet of land fronting on Woodrow Avenue. He stated that he knew the paving would double the value of the property, but that he believed the amount he would have to pay for the paving would be as much or more than the appraised value of the property, and that would cause his taxes to be increased. He believed a cheaper type of pavement would be sufficient on Woodrow Avenue, which he said was a residential street with only passenger traffic.

Grace M. Smith, of 512 E. 42nd, and Mrs. Florence Davis of 511 East 42nd, asked about the paving of the intersection at 42nd and Barrow. They were advised that the plans for paving 42nd do not include the intersection. These ladies then voiced objection to the paving of East 42nd in their block unless the intersection is also paved, because they live on the corner, and do not feel they will be benefited unless the intersection is also paved. It was suggested that this problem could probably be worked out by the Department of Public Works and the City Council.

Mr. Skaggs, of 508 East 42nd, said he wanted East 42nd Street paved, that he had thought he and the other owners would pay for paving the intersection, if it was necessary, in order to get the street paved.

Mr. John B. Bell, Jr., 3212 Cherrywood Road, stated that his property was at the corner of Cherrywood and Edgewood, and that both streets were being paved. He observed that the cost to him of paving both streets would be more than \$1,000.00, and he did not think his property would be increased in value more than \$500 to \$600. He said the total cost to him for both streets was more than he could stand, but he could go along with paving Cherrywood. He inquired if some plan could not be worked out for the relief of corner lot owners in such cases, and was advised that the problem would be studied.

Mrs. J. M. Jacobsen, 2600 Bridal Path, inquired about the plan for payment, and was advised that although plans provide for payment in 8 annual installments, with 5% interest, the interest could be saved by paying cash. She was also advised that if the cost is paid in installments, any or all installments could be paid at any time, and interest would be charged on such installments only to the date of payment.

Mr. John T. Conn, 1511 Drake Avenue, stated that he had signed a petition to pave Drake Avenue in 1942, but that he had in mind the sort of pavement then being constructed, and the prices then prevailing. He believed the paving proposed was too expensive. Upon inquiry, he was advised that the differences in rates for the 2 blocks of Drake Avenue involved results from differences in

street width to be paved. He also said he was not alone in his objection to paving at these prices at this time, and that Mr. Sedwick, Mr. Wire, Mrs John T. Conn, Sr., Mrs. Caldwell and Mr. Pittsford are opposed to the paving because it is too expensive.

Mrs. John T. Conn, Sr. and Mrs. T. F. Caldwell, Sr., both observed that they thought the cost of paving was too high, and that they did not want such expensive pavement.

Mrs. J. M. Wood said her property was at the corner of Bartlett and Lindell. She asked about the difference in rates on Bartlett and Lindell and was advised that Bartlett was to be paved wider than Lindell. She was also advised that if the streets are later widened, the paving to be put in now will remain in place.

B. P. Grant of 906 East 13th, stated that he was for the paving, but he wanted to know about who was to pay for the curbing. He said he had recently completed new curbs at city grades, and the street was now to be widened. He was informed that if a new curb is necessary it will be built at city expense, and the driveway reconstructed to the extent necessary.

Mr. R. L. Waggoner stated that Brackenridge runs lengthwise along his lot and that he would be assessed for 137 feet, amounting to \$600.00, which he could not afford. He said his property was a homestead and he did not want a debt against it.

Mrs. Raymond K. Bonser stated that she owned rent property on 45th Street, and that it was modest income rent property. She felt she would not be benefited by the paving of the street.

J. L. Waatley, pastor of Central Methodist Church, asked about the paving of Leona Street, and was advised that Leona Street is not included in the present project.

A Mr. Timmons expressed disappointment that Chicon Street from 12th to 13th was not included in the program, and Dr. E. H. Givens observed that if some of the others did not want the paving, they would take it in East Austin.

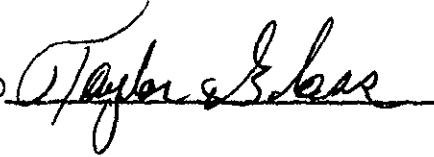
C. B. Cooley, who owns property at 13 and Waller, stated he wanted paving, but that unless it went on past him it would not benefit him. He further stated that he has carried a union card for 15 years and does not want to do business with Brown & Root.

Mayor Glass then asked if any other persons desired to be heard, but none came forward. Councilman Long moved that the hearing be closed and that the City Attorney be instructed to prepare the proper assessment ordinance incorporating the findings of the City Council when made. The motion, seconded by Councilman Johnson, carried by the following vote:


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

There being no further business, the meeting recessed subject to the call of the Mayor.

APPROVED



ATTEST:


City Clerk