

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 10, 1949
10:45 A. M.

Council Chamber, City Hall

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

Roll call:

Present: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller.
Absent: None

Present also: Guiton Morgan, City Manager; J. E. Motheral, Director of Public Works; W. T. Williams, Jr., Ass't City Attorney; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

Councilman Glass moved that a public hearing be set for March 3, 1949, at 11 A. M., on the following zoning change, which has been considered by the Board of Adjustment and recommendation made:

C. V. Anderson, 706 East 53rd street, the property located at 5301 Eilers street, City of Austin, Travis County, Texas, from "A" Residence to "C" Commercial District.

Board of Adjustment did NOT recommend this change.

(Detailed report of the Board of Adjustment attached to application)

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes: None

Councilman Johnson moved that the following applications for change of zone be referred to the Board of Adjustment for consideration and recommendation:

Jac L. Gubbels, 2515 Wooldridge Avenue, change from "A" Residence to "C" Commercial, the property located at 4414 and 4416 Lamar Boulevard.

R. T. McAlister, 1113 Chicon street, change from "A" Residence to "C" Commercial, the property located at 1111-1113 Chicon Street.

C. B. McCullough, 5000 Georgetown Road, change from "A" Residence to "C" Commercial, the property located at 806 and 808 Capitol Court.

Ronald Weaver, 2300 Fredericksburg Road, change from "C" Commercial to "C-1" Commercial, the property located at 2304 Fredericksburg Road.

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes: None

The City Manager submitted the following memorandum:

" February 10, 1949

Memorandum to : Guiton Morgan, City Manager

Memorandum from: J. E. Motheral, Director of Public Works

Bids were received for the construction of various sanitary sewers in the Govalle Area at 10:00 A. M., February 8, 1949. Bids were as follows:

Joe Bland Construction Co.	\$ 51,865.00
Karl Wagner	64,292.00
Taylor Construction Co.	72,980.00
Roger Smith	109,076.20

It is recommended that the contract be awarded to Joe Bland Construction Company, the low bidder.

Approved: (Sgd) Guiton Morgan (Sgd) J. E. Motheral

Councilman Glass moved that the bid of the Joe Bland Construction Company, in the amount of \$51,865.00, for the construction of sanitary sewers in the Govalle area, be accepted, and that the City Manager be instructed to enter into a contract with said Joe Bland Construction for this work. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes: None

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets of 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 SOUTH 2nd STREET, from a point 117 feet north of Oltorf Street southerly 130 feet, the centerline of which gas main shall be 10 feet west of and parallel to the east property line of said SOUTH 2nd STREET.

Said gas main described above shall have a cover of not less than 2½ feet.

(2) A gas main in OLTORF STREET, from South 2nd Street easterly 72 feet, the centerline of which gas main shall be $13\frac{1}{2}$ feet south of and parallel to the north property line of said OLTORF STREET.

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

(3) A gas main in CULLEN AVENUE, from Woodrow Avenue to Arroyo Seca, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said CULLEN AVENUE.

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

(4) A gas main in WINSTED LANE, from a point 375 feet north of Griswold Lane southerly 568 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said WINSTED LANE.

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

(5) A gas main in LAMAR BOULEVARD, from West 31st Street northerly 250 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet east of and parallel to the west property line of said LAMAR BOULEVARD.

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

(6) A gas main in JIM HOGG AVENUE, from North Loop Boulevard northerly 173 feet, the centerline of which gas main shall be $11\frac{1}{2}$ feet west of and parallel to the east property line of said JIM HOGG AVENUE.

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

(7) A gas main in PROSPECT AVENUE, from East 8th street southerly 118 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 PROSPECT AVENUE.

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 is

further put upon notice that they will be required to bear the expense of repairs or replacement of any underground tuiility 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.

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

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes: None

Councilman Long moved that the application of a Taxicab Terminal Operator's License, Singleton's Cab, by Ola B. Singleton, Mgr, 1101 Navasota street, duly approved by the City Manager, be granted. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes: None

Councilman Johnson moved that the following applications for Taxicab Operator's License, duly approved by the City Manager, be granted:

James H. Means, 1904 College Row, 4-door Super Deluxe Ford, 1946
model, Motor No. 99A-1164194, License No.
KU-1503

Talley B. Taylor, 709 Driskill street, 1946 Chevrolet Sedan, Motor
No. DAA-2108, License No. JD-9387

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes: None

Councilman Glass moved that the following applications for Taxicab Driver's Permits, duly approved by the City Manager, be granted:

Joe Allen,	108 West Elizabeth
Lacy J. Crenshaw, col.	1410 Singleton
Charles T. Grumbles,	509 Pressler
Clarence Hayes,	1006 Harper Lane
Lloyd Johnson,	931 East 55th street
Isaias V. Ledesma,	2406 Santa Rita
Bill Tom Spoon,	310 Congress
Richard B. Tidwell,	205 West Elizabeth
Henry L. C. Yancy,	1917 East 11th street
Ernest C. Young,	1709 Eva street

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes: None

Pursuant to published notice thereof, the public hearing on the applica-

tion of Eulalia Sanchez to amend the Zoning Ordinance in the following particular: 83

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

Lot 10, Block 2, Riverside Addition, in the City of Austin, Travis County, Texas,

was duly opened.

The applicant did not appear to plead her case, but J. F. Clark, 1807 East 1st street, appeared to PROTEST such change. He also presented two petitions signed by all property owners affected by such change in which they voiced their PROTEST.

Councilman Bartholomew moved that the Board of Adjustment recommendation on this change be sustained and the same NOT be granted. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes: None

The public hearing on the application of Jack Taylor and A. P. Dooley for a change in zoning of the property located from Enfield Road south to 12th street, Saybrook west to Wayside Drive, from "B" Residence to "A" Residence, which had been postponed for two weeks, was held. The Board of Adjustment did NOT RECOMMEND THIS CHANGE.

Those appearing for this change were - Judge Powell, representing 75 home owners in this area; A. P. Dooley, 1311 Elton Lane; W. B. Wardlow, 1312 Elton Lane; D. H. Turner, 1403 Meridian Lane; Jack Taylor, 2401 Enfield Road; Judge T. L. Beauchamp, 2115 Enfield Road; Mrs. Geo. E. Robinson, 2201 Enfield Road; W. L. Thompson, 2213 Enfield Road; Roswell Miller, 1620 Northumberland; Dr. C. B. Lynn, 1404 Meridian Lane; Mrs. J. H. Barrow, 2400 Enfield Road; Dana Young, 1312 Kent Lane; J. D. Simpson, Jr. 2309 Quarry Road; Mrs. C. B. Lynn, 1404 Meridian Lane; G. W. Seiders, 1400 Meridian Lane. All these parties stated their deeds read "for residences only" which Judge Powell said would supercede any zoning regulations which the Board of Adjustment might have made at any time; and, therefore, would not permit the building of apartment houses.

Those appearing against this change were - Jack Sparks, representing Mr and Mrs Jeff Thompson owners of Lots 5 and 6, Westfield A; Harold Legge, 2501 Bridle Path; R. D. Allentharp, attorney; R. W. McBride, 1419 Gaston, who is the prospective purchaser of Lots 5 and 6 and who wants to build an apartment house on same; Conger Poage, 2411 Indian Trail. These parties stated that the term "for residences only" could be interpreted to mean apartment houses because apartment houses were residences too.

The discussion, pro and con, lasted for more than an hour and a half, after which Councilman Long moved that the action of the Board of Adjustment NOT be sustained and the change requested be GRANTED. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller
Noes: None

Councilman Johnson moved that the following applications for Branch Beer Distributor's Permit, and Beer and Wine Permits, duly approved by the City Manager, be granted: 84

Branch Beer Distributor's Permit

Grand Prize Distributing Co., J. H. & J. D. Ferrel, 300 Colorado street.

Beer and Wine Permits

Cozy Inn, Garland Medearis owner, 1906 East 12th street.

Dorsett's Grill, W. F. Dorsett, owner, 219 Congress Avenue.

Which motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Tax roll for the year 1947 carries an assessment value of \$4,260 on the improvements on S. 1/2 of Lot 4, Jefferson Street Addition, Plat 75, Item 60, in the name of W. H. Hamlett, Jr.; and

WHEREAS, such assessed value contemplated an area in excess of the actual area of the above premises; therefore

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

THAT said assessed value be reduced from \$4,260 to \$3,050 on the improvements on said property for the year 1947.

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the tax roll for the year 1947 carries an assessed valuation of \$1,600 on the land described as E. 67' of Lot 19, Outlot 1, Division Z, Woodland Subdivision, Plat 102, Item 72, in the name of Frederick Y. Herrin; and

WHEREAS, this assessment was based on an erroneous calculation based on consideration of the wrong frontage; and

WHEREAS, a calculation computed on the correct size of the land would warrant a reduction of the assessable valuation from \$1,600 to \$1,310 for the year 1947; therefore

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

THAT the City Tax Assessor and Collector be authorized, and he is hereby so directed, to reduce the assessed valuation of said land for the year

1947 from \$1,600 to \$1,310.

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The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Tax roll for the year 1947 carries an assessed valuation of \$1,860 on the improvements on 193/1000 acre of Lot 6, Block B, James E. Bouldin Estate, Plat 118, Item 103, in the name of Dale Garner; and

WHEREAS, the status of completion of the improvements involved, as of January 1, 1947, warranted a reduction of this assessable valuation from \$1,860 to \$1,410; therefore

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

THAT the City Tax Assessor and Collector be authorized, and he is hereby so directed, to reduce the assessed valuation of said improvements from \$1,860 to \$1,410 on the Tax roll for the year 1947.

The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

Mr. Homer R. Mayhall appeared and presented several petitions from property owners in Shoalmont, adjacent to 5434 Burnet Road, where Dr. E. P. Savage is operating a Veterinary Clinic, protesting the establishment of this clinic. The Council advised these property owners that the Council could not prevent Dr. Savage from using this building for the clinic because the property at this location was zoned "C" Commercial and such use was permitted thereon. The Council also stated that Dr. Savage had agreed to aircondition and soundproof this building and that a resolution had been prepared granting Dr. Savage permission to use this building for the clinic, provided he complied with these and other agreements set forth in the resolution, and that same would be adopted today. The protestants were told that their only recourse would be through the courts, if they could prove this use was a nuisance.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Blue Cross Veterinary Clinic has made application in writing through Fred P. Savage, for permission to use and maintain a building for the treatment of small domestic animals on Lot 5, Block 2, Shoalmont Addition, the same being on the west side of Burnet Road and is locally known as 5434 Burnet Road and is located in a "C" Commercial District, which under Section 6, Item 33, of the Zoning Ordinance, requires a special permit from the City Council; and

WHEREAS, the applicant further agrees to soundproof and aircondition the building, that no kennels, runs or other housing of animals outside of the main building will be erected or used, and that no animals will be boarded

or bred or confined longer than is necessary for the proper treatment of diseases; and 86

WHEREAS, this application has been considered and approved by the City Council of the City of Austin; therefore

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

THAT permission for the use and maintenance of a building for the treatment of small domestic animals be granted to Blue Cross Veterinary Clinic and operated by E. P. Savage, D. V. M.

Which motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller

Noes: None

There being no further business, upon motion of Councilman Johnson, the meeting was recessed at 2:05 P. M., subject to call of the Mayor.

APPROVED:

Tom Miller.
Mayor

ATTEST:

Acting City Clerk