

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 6, 1949  
10:30 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; Trueman E. O'Quinn, City Attorney; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

Pursuant to a request received from all of the property owners on Posey Lane, Tarrytown, to change the name of that street to ROBB'S RUN, Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, there is a certain street within the City of Austin known as Posey Lane, which street is shown upon the map or plat of the City of Austin, Travis County, Texas; and

WHEREAS, Posey Lane is a "dead-end" street extending East one block from Hillview Road; and

WHEREAS, the City Council of the City of Austin has considered said petition; THEREFORE

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

THAT Posey Lane, as referred to above, be known and designated as ROBB'S RUN.

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

The City Manager submitted the following memorandum:

"January 5, 1949

Memorandum to: Guiton Morgan, City Manager  
Memorandum from: J. E. Motheral, Director of Public Works

Bids were received Tuesday, January 4 for the construction of a one-way right turn drive at the northeast corner of the intersection of Barton Springs Road and Lamar Boulevard. The bids were as follows:

John R. Andrews	\$ 1,844.00
Collins Construction Company	1,988.00
Earl Rogers	2,368.00

We recommend that the contract be awarded to John R. Andrews, the low bidder.

(SGD) J. E. Motheral. "

Councilman Johnson moved that the City Manager be authorized to accept said bid of John R. Andrews, in the amount of \$1,844.00, and to enter into contract accordingly. 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, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its telephone pole lines in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the Director of Public Works; therefore,

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

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its telephone pole lines in the following streets:

(1) A telephone pole line in DAWSON ROAD, from Barton Springs Road to Robert E. Lee Road, the centerline of which telephone pole line shall be  $8\frac{1}{2}$  feet west of and parallel to the east property line of said DAWSON ROAD.

(2) A telephone pole line in ROBERT E. LEE ROAD, from Dawson Road easterly approximately 342 feet, the centerline of which telephone pole line shall be  $23\frac{1}{2}$  feet south of and parallel to the south curb line of said ROBERT E. LEE ROAD.

THAT the work and construction of said telephone pole lines, including the excavation of the streets and the restoration and maintenance of said streets after said telephone pole lines have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

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 Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its underground telephone conduits in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the Director of Public Works; therefore,

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

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its underground telephone conduits in the following streets:

(1) An underground telephone conduit in MANOR ROAD, from Chicon Street easterly approximately 70 feet, the centerline of which underground telephone conduit shall be 7 feet north of and parallel to the south property line of said Manor Road.

(2) An underground telephone conduit in EAST AVENUE, from a point 85 feet east of centerline of East Avenue and 10 feet west of centerline of Olander Street southerly 28 feet, the centerline of which underground telephone conduit shall be 85 feet east of and parallel to the centerline of East Avenue.

THAT the work and construction of said underground telephone conduits, including the excavation of the streets and the restoration and maintenance of said streets after said underground telephone conduits have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

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 Glass 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 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 WEST 3rd STREET, from a point 107 feet West of Bowie Street Easterly 16 feet, the centerline of which gas main shall be

7.5 feet South of and parallel to the North property line of said WEST 3RD STREET.

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

(2) A gas main in EAST SIDE DRIVE, from a point 247 feet North of East Monroe Street and 21 feet West of East property line, Northeasterly 19 feet to a point 7.5 feet West of East property line.

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

(3) A gas main in RALEIGH AVENUE, from a point 16 feet South of Stevenson Avenue Southerly 126 feet, the centerline of which gas main shall be 7.5 feet West of and parallel to the East property line of said RALEIGH AVENUE.

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

(4) A gas main in LORRAIN STREET, from West 13th Street Northerly 81 feet, the centerline of which gas main shall be 7.5 feet West of and parallel to the East property line of said LORRAIN STREET.

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

(5) A gas main in NAVASOTA STREET, from a point 57 feet South of East 6th Street Southerly 96 feet, the centerline of which gas main shall be 21 feet West of and parallel to the East property line of said NAVASOTA STREET.

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

(6) A gas main in EAST 5TH STREET ALLEY, from Navasota Street Easterly 32 feet, the centerline of which gas main shall be 5 feet North of and parallel to the South property line of said EAST 5TH STREET ALLEY.

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.

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

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT  
AUSTIN, TEXAS  
ZONING CHANGE RECOMMENDATION

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Applicant: Jac L. Gubbels

I. Referred to the Board by the City Council on: December 16, 1948

II. Property affected:

Lot 4 and parts of Lots 2 and 3, Block 4, Silverton Heights Subdivision and being known as 6808 Guadalupe street, 601, 603, 605, 607 and 609 Kenniston.

III. To be changed:

From: "A" Residence District and First Height and Area District

To: "C" Commercial District and First Height and Area District

IV. Considered by the Board on: January 5, 1949

V. Parties appearing:

For: Jac L. Gubbels

Against: None

VI. Action of the Board: Change recommended including the remaining Lot 5 in the triangle.

For the following reasons:

1. This application is for a change of zoning on the north portion of a triangle of land surrounded by three streets and the applicant now affirms that the owner of the remainder of the property is desirous of having her property included in the change in

order to provide sufficient area for a community center.

2. The applicant further affirms that the property is not suitable for residential development because of its location in relation to the three streets and the railroad immediately southwest across Airport Boulevard.
3. The Board deemed that a change to commercial on the entire triangle would permit a use more suitable for the property and provide a community center to serve the needs of this area.

(Sgd) H. F. Kuehne  
Chairman "

Councilman Johnson moved that a public hearing on the above change in zoning be called for January 27, 1949, at 11:00 A. M. The motion carried by the following vote:

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

The application of Mrs. Otilia O. Escobedo for change in zoning, from "B" to "C", of property located at 2405 Santa Rosa Street was received. Councilman Long moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

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

The Mayor laid before the Council 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, 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 LOTS 7, 8, AND 9, BLOCK 4, PENN PARK ADDITION AND ON PORTIONS OF BLOCKS 44 AND 45, OUTLOT 24, DIVISION C, CHRISTIAN AND FELLMAN ADDITION, ALL 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 Glass moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

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

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

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

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

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

The Mayor announced that the ordinance had been finally passed.

Councilman Bartholomew 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 Frank Reeder, for the laying of certain water mains and other pipes, by the City of Austin, in Dixie Terrace Subdivision in Travis County, Texas, all 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.

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

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT  
AUSTIN, TEXAS

ZONING CHANGE RECOMMENDATION

Applicant: P. S. Mangum

I. Referred to the Board by the City Council on: December 23, 1948

II. Property affected:

Lots 17 and 18, Forest Hills "B", located at 2310 and  
2400 Manor Road.

III. To be changed:

From: "A" Residence District and First Height and Area District

To: "C" Commercial District and First Height and Area District

IV. Considered by the Board on: January 5, 1949

V. Parties appearing:

For: None  
Against: None

VI. Action of the Board: Change recommended

For the following reasons:

1. This application is for a change of zoning on two lots which adjoin a recently created community at the northeast corner of Manor Road and Cherrywood Road for the purpose of enlarging the area sufficiently to permit the proper type of community center development with off-street parking.
2. The property across Manor Road to the south was recently changed to "C" Commercial District and no objection was expressed to this extension of the present commercial zone owned by the applicant.
3. The Board deemed that the increased area would permit a better development and would decrease the traffic congestion and hazards on Manor Road and Cherrywood Road by providing more off-street parking than is now possible and, therefore, recommends that the change be made.

(Sgd) H. F. Kuehne  
Chairman "

Councilman Johnson moved that a public hearing on above change in zoning be called for January 27, 1949, at 11:00 A. M. The motion carried by the following vote:

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

The following report of the Board of Adjustment was received:

"ZONING BOARD OF ADJUSTMENT  
AUSTIN, TEXAS  
ZONING CHANGE RECOMMENDATION

Applicant: Ben H. Powell, Jr., Attorney for Jack G. Taylor, A. P.  
Dooley, and other property owners

I. Referred to the Board by the City Council on: December 23, 1948

II. Property affected:

Lots 1 through 7, Block 2, and all of Blocks 1, 3, 4, 5, and 6, of Westfield A, being the property located between West 12th Street and Enfield Road, and Wayside Drive and Saybrook Lane.

III. To be changed:

From: "B" Residence District and First Height and Area District

To: "A" Residence District and First Height and Area District



IV. Considered by the Board on: January 5, 1949

V. Parties appearing:

For: Jack G. Taylor, A. P. Dooley, Ben H. Powell, Sr., Mrs. J. M. Stevens, Mrs. Claude W. Horton, Mrs. C. B. Lynn, Mrs. D. H. Turner, Mr & Mrs J. H. Cummins, Dana Young, D. M. Knutson, Mrs. A. P. Dooley, Mrs. Jack G. Taylor, Jake Silberstein, J. O. Lamb, Mr & Mrs R. W. Dalby, Mr & Mrs John I. Leach, Mr & Mrs R. T. Wilson, Jr., Mr & Mrs W. H. Thompson, Mrs. M. A. Houston, Mr & Mrs George Gentry, E. E. Foster, Edna B. Boon, Mrs. W. B. Wardlow, Roswell G. Miller, Ned A. Cole, Mr & Mrs Jesse Melinger, Mr & Mrs C. R. Wilkerson, Mrs. J. H. Davis, Jr., Mrs. Sherman H. Hart, D. H. Turner.

Against: Harold Legge for R. W. McBride, Will Hart for Jeff Thompson, and Mr. Thompson, Robt. Allentharp, Henry Sasse, Dudley P. Prade, J. H. McKellar by Miss Lois McKellar, W. H. Bullard, Marion Barrett, Otto Ulit, Mrs. Jeff Thompson, Robert W. McBride.

VI. Action of the Board: Not recommended.

For the following reasons:

1. The property in question to be changed is an area extending from the Missouri-Pacific Railroad to Wayside Drive and lying between West 12th Street and Enfield Road, being a part of a larger area between the Railroad and Exposition Boulevard and extending to Bridle Path on the north, which was rezoned as a "B" Residence District on November 17, 1932, at the request of a large number of property owners in this area which was designated as Enfield A, B, C, and E, and Westfield, on the grounds that deeds to property in these subdivisions permitted apartment houses but excluded other undesirable uses which would be permitted in a "B" Residence District, and for more detailed information reference is herein made to a resolution submitted to the City Council by the Board of Adjustment on November 9, 1932, and the Ordinance passed by the City Council purusant thereto dated November 17, 1932, and recorded in Ordinance Book J, pages 509 to 511, inclusive.
2. The portion of this area north of Enfield Road contains the Westenfield Playground and there has been considerable development of apartment buildings along Enfield Road extending beyond Elton Lane. That portion of this area to the west of the property to be changed is also zoned as a "B" Residence District and a permit for a garden type apartment project has been issued therein.
3. This area, therefore, has been in a "B" Residence District for some sixteen years and was then practically undeveloped and the vast majority of the property owners have purchased their property since this was zoned as a "B" Residence District and should have been aware of the uses to which the property could be put and the restrictions in their deeds.

4. To zone this particular part of this area as an "A" Residence District would leave a narrow strip to the north thereof, extending from the railroad track to Exposition Boulevard between Enfield Road and Bridle Path, as a "B" Residence District and would also leave that portion between Wayside Drive and the Municipal Golf Course as a "B" Residence District.
5. It is a fundamental principle of zoning that in the establishment of zoning districts they should be in accordance with some comprehensive plan; and that property of like character should be zoned alike in order to avoid inequity and discrimination and the use of contiguous and adjacent property, which is similar in character, for entirely different and conflicting purposes.
6. The Board, therefore, deemed that to cut out a portion or parcel of a larger tract possessing uniform characteristics and qualities and zoned for certain uses, which uses have been established in portions thereof, would not be in accordance with sound zoning principles nor harmonize with the intent and purpose of the zoning law.

(Sgd) H. F. Kuehne,  
Chairman "

Councilman Long moved that a public hearing on above application for change in zoning be called for January 27, 1949, at 11:00 A. M. The motion carried by the following vote:

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

The application of JAMES E. CRIDER, 2011 Alta Vista, for a license to operate as a taxicab, a 1946 Chevrolet Sedan, Motor No. DAA-320603, State License JV-6137, approved by the City Manager, was submitted. Councilman Johnson moved that the license be granted. The motion carried by the following vote:

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

The application of THOMAS E. LEAVELL, 2307 Sabine Street, for a license to operate as a taxicab, a 4-door Chevrolet Sedan, 1946 Model, Engine No. DAA-50162, State License No. CJ-7029, 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, Johnson, Long, Mayor Miller  
Noes: None

The application of BENNETT R. NANCE, 1213 West 3rd Street, for a license to operate as a taxicab, a 4-door Chevrolet Sedan, 1946 Model, Factory No. 5DJK-5507, State License No. JC-5762, approved by the City Manager, was submitted. Councilman Long moved that the license be granted. The motion carried by the following vote:

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

The application of JAMES RUSSELL BENSON, 806 Flores Street, for a taxicab driver's permit, approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

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

The application of JAMES THOMAS DUFF, 2939 Higgins Street, for a taxicab driver's permit, approved by the City Manager, was submitted. Councilman Glass moved that the permit be granted. The motion carried by the following vote:

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

The application of VERNON A. POLK, JR., 1306 Oxford, for a taxicab driver's permit, approved by the City Manager, was submitted. Councilman Johnson moved that the permit be granted. The motion carried by the following vote:

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

The application of PEDRO LOPEZ VALDEZ, 2323 Rosewood Avenue, for a taxicab driver's permit, approved by the City Manager, was submitted. Councilman Bartholomew moved that the permit be granted. The motion carried by the following vote:

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

The appeal of JUNIOUS WOODS, JR., colored, 1191 Chestnut Street, on his application for a taxicab driver's permit, recommended for denial, was considered. Councilman Johnson moved that the applicant be given a 90-days probationary permit. The motion carried by the following vote:

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

The application of ADAM'S PLACE, by Travis A. Adams, 1308 East 6th Street, for a beer and wine license, approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

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

The application of G. R. HUTSON, 6206 Georgetown Road, for a package store license, approved by the City Manager, was submitted. Councilman Long moved that the license be granted. The motion carried by the following vote:

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

The Mayor in discussing the passing of Carl Besserer, Assistant Postmaster, stated that Austin had lost one of its finest citizens and one who had been very active in civic matters and who had always had the best interests of Austin at heart. The flag on the City Hall was ordered flown at half-mast during Mr. Besserer's funeral service.

Pursuant to published notice thereof, the public hearing of the application of Holland Page to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "D" Industrial District:

Approximately 55 acres, bounded on the south and west by Llano Branch of H & T C R R; on the north by Anderson Lane and Morrow Street; all in George W. Spear League and formerly described as Hollandale Addition, in the City of Austin, Travis County, Texas,

was duly opened.

The following appeared and spoke for the change:

Dr. Frank Jessen, Consulting Engineer for the Austin Economic Area Development Foundation, stated that the light industrial zone was deemed necessary to overcome any future objection as to use of the site by the Jefferson Chemical Company. Dr. Jessen also stated that the Jefferson Chemical Company will use this property for its scientific research laboratories only and, therefore, nothing objectionable will be placed on this property. Further, that this company will employ, at the present, approximately 75 people, most of whom will be new citizens, which will mean added revenue to our merchants and property owners.

The following appeared to oppose the change:

Mr. C. R. Coppedge protested by telephone.

Mr. H. I. Robinson stated that he was not opposed to "D" zoning but that he wanted to be assured that nothing unsightly would be built on the property or that a high, ugly fence would be built around it.

No other property owner or interested person desiring to be heard, the hearing was thereupon closed, and Councilman Johnson moved that the action of the Board of Adjustment be sustained and the change be granted, and the City Attorney be instructed to prepare the ordinance. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Long, Mayor Miller  
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 ORDINANCE 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 "D" INDUSTRIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON 55 ACRES BOUNDED BY LLANO BRANCH OF H. & T. C. RAILROAD, ANDERSON LANE, AND MORROW STREET, ALL IN GEORGE W. SPEAR LEAGUE

IN THE CITY OF AUSTIN, TEXAS, AND FORMERLY DESCRIBED AS HOLLANDALE ADDITION; 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 Johnson moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

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

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

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

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

C. B. Smith, President of the Austin Area Industrial Development Foundation, thanked the Council for its action in changing the zone of the Holland Page property.

Pursuant to published notice thereof, the public hearing of the application of Quentin Franks, by John E. Allen, Attorney, to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "B" Residence District:

Lots 4, 5, 6, 7 and 8, Block 2, Outlot 44,  
Division "D", located at 2410 Leon, in the  
City of Austin, Travis County, Texas,

was duly opened.

The following appeared for the change: None

The following appeared to oppose the change: None

There being no protests against the proposed change, the hearing was thereupon closed. Councilman Glass moved that the action of the Board of Adjustment be sustained and the change be granted, and the City Attorney instructed to prepare the ordinance. 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 of the application of the H. Becker Estate, by H. Becker, Trustee, to amend the Zoning Ordinance

nance in the following particular:

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

A tract of land 150x293.2 feet out of the Hermann Becker Estate, Outlot 7, Division "O", in the City of Austin, Travis County, Texas, said tract facing on Chicon Street, beginning at a point 80 feet north of the northeast intersection of Chicon and East Third Streets and extending north along Chicon Street for a distance of 293.2 feet, and extending back from Chicon Street a depth of 150 feet, located at 305 through 313 Chicon Street,

was duly opened.

No property owner or other interested person appearing to protest the proposed change, the hearing was thereupon closed, and Councilman Bartholomew moved that the action of the Board of Adjustment be sustained and the change be granted, and the City Attorney instructed to prepare the ordinance. 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 application of Sidon Harris, by Harold Legge, Agent, to amend the Zoning Ordinance in the following particular:

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

A part of Outlot 5, Division C, being located at the southwest corner of the intersection of East 32nd and Red River Streets (815 and 817 East 32nd Street), facing 107-1/3 feet on East 32nd Street and 145 feet on Red River Street, in the City of Austin, Travis County, Texas,

was duly opened.

Mr. William Kay Miller, attorney for Sidon Harris, appeared to plead for the requested change, but after hearing the numerous protests from the property owners in this area, requested that the application be left pending until some future date.

Pursuant to published notice thereof, the public hearing on the application of North Millican to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property to change the same from "A" Residence District to "C" Commercial District:

That portion now zoned "A" Residence District of a certain tract of land owned by North Millican, commonly known as Fountain Courts, and fronting 80 feet

on Guadalupe Street and 170 feet on 30th Street, said tract extending from 30th Street in a northerly direction along a public alley west of Guadalupe Street a distance of 345 feet to a point at the extreme northwest corner of said tract, thence in an easterly direction 133 feet approximately parallel to 31st Street, thence southerly 40 feet, thence easterly 139 feet to Guadalupe Street and along its frontage on Guadalupe Street, thence westerly approximately 278 feet, thence southerly approximately 225 feet to 30th Street and along its frontage on 30th Street a distance of 170 feet to the point of beginning at the intersection of 30th Street and the public alley referred to above, in the City of Austin, Travis County, Texas,

was duly opened.

Among the property owners appearing to protest this change were Mr and Mrs. W. A. Felsing, Mrs. E. J. Mathews, Mrs. B. M. Baxter. These property owners felt that a change to "C" Commercial District would deteriorate their property materially and they could see no need for tourist courts at this location, which was the use Mr. Millican wanted to put this property to.

After hearing these protests, the Council decided to make a visit to this location with Mr. Millican at 3 P. M. today. A decision on this change will be given at the next Council meeting.

Pursuant to published notice thereof, the public hearing on the application of the City of Austin to amend the Zoning Ordinance in the following particular:

To amend the USE designation of the following described property so as to change the same from "A" Residence District to "B" Residence District:

All of Lot 1-d and part of Lot 1-c out of Block 1, James Byrne's Subdivision, located at the southeast corner of the intersection of 28 $\frac{1}{2}$  Street and Lamar Boulevard, 918 West 28 $\frac{1}{2}$  Street, in the City of Austin, Travis County, Texas,

was duly opened.

Several property owners appeared to protest.

The Mayor stated that this change was being requested in order to locate the Cerebral Palsy Center on this site. After hearing the protests, mostly against the amount of setback that will be allowed, Councilman Bartholomew moved that the whole of the triangle be changed, with the provision that the City Manager and the Architects locate the building where they deem the most feasible on the tract. The Motion carried by the following vote:

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

A petition was received from the citizens living in the vicinity of

of South First and West Live Oak Streets requesting that the City install a street light at this intersection. Mr. Charles Brock presented the petition. The petition was referred to the City Manager for investigation.

Mr. M. H. Crockett appeared before the Council and requested that the City open the old Fredericksburg Road in order to make his property located between there and Barton Springs Road more accessible. This matter was taken under advisement.

Upon recommendation of the City Manager and the City Health Officer, the Hondo Locker Plant, Inc., of Hondo, Texas, was given permission to bring meat into Austin for sale.

The Mayor introduced the following ordinance:

AN ORDINANCE AUTHORIZING AND EFFECTING EX-  
CHANGE IN THE USE OF CERTAIN PROPERTY BETWEEN  
GUY A. THOMPSON, TRUSTEE, INTERNATIONAL-GREAT  
NORTHERN RAILROAD COMPANY, DEBTOR, AND THE  
CITY OF AUSTIN, AT AND NEAR THE INTERSECTION  
OF WEST THIRD STREET AND BAYLOR STREET IN THE  
CITY OF AUSTIN IN CONNECTION WITH AND IN CON-  
TEMPLATION OF THE CONSTRUCTION AND MAINTENANCE  
BY THE RAILROAD OF A NEW PASSENGER STATION ON  
RAILROAD PROPERTY IN THE VICINITY OF BAYLOR  
STREET AND WEST THIRD STREET; AND SUSPENDING  
THE RULE OF READING OF AN ORDINANCE ON THREE  
SEPARATE DAYS.

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

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

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

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

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

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

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

The following resolution of the Board of Directors of the Symphony Orchestra Society was read:

WHEREAS, the Austin Symphony Orchestra Society operating and maintaining the Austin Symphony Orchestra is a non-profit organization, whose function is to provide the citizens of Austin with an annual concert season and to further the musical education and cultural development of the City of Austin; and



WHEREAS, the Austin Symphony Orchestra Society is maintained wholly by subscriptions, purchase of concert tickets, and funds from the City of Austin; and

WHEREAS, the Austin Symphony Orchestra Society employs and pays the musicians which comprise the Austin Symphony Orchestra; and

WHEREAS, the Austin Symphony Orchestra maintains and supports an Austin Jr. Symphony Orchestra and pays the salary of its conductor out of the Society's funds; and

WHEREAS, the charter under which the Society functions provides for the conductor to be employed by the Board of Directors of the Austin Symphony Orchestra Society; and

WHEREAS, the Austin Symphony Orchestra Society employed the conductor up to the time the Society, in financial distress, appealed to the City of Austin for financial assistance; and

WHEREAS, the Austin Symphony Orchestra Society now pays one-half of the conductor's salary out of its own funds; and

WHEREAS, under the present arrangement, the Austin Symphony Orchestra has no jurisdiction over the action of its conductor; and

WHEREAS, the Austin Symphony Orchestra should be responsible to the Society for the expenditure of Orchestra funds and for the contracting of obligations which the Austin Symphony Orchestra Society must pay,

THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SYMPHONY ORCHESTRA SOCIETY:

TO REQUEST that the City of Austin, a contributor to the Austin Symphony Orchestra Society, concur with the Board of Directors of the Society that the conductor of the Austin Symphony Orchestra be responsible to the Society and shall be under the full jurisdiction of the Board of Directors of the Austin Symphony Orchestra Society as provided for in the Society's Charter, Constitution, and By-Laws.

Councilman Long moved that the request of the Symphony Orchestra be granted, subject to the right of appeal by said conductor to the City Manager. The motion carried by the following vote:

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

Councilman Long suggested that the City Manager confer with the railroad officials regarding the keeping of the streets through which the railroads run in repair, particularly the Windsor Road crossing and other crossings.

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED, by the City Council of the City of Austin, a municipal

corporation of the State of Texas, that Guiton Morgan, said corporation's City Manager, be and he is hereby duly authorized and fully empowered to enter into and execute, for and in the name of said corporation, one certain written agreement, dated November 15, 1948, between said corporation and Guy A. Thompson, Trustee, International-Great Northern Railroad Company, Debtor, herein called Carrier, respecting among certain things the construction, ownership, operation, maintenance and use of one certain water line located on and along Carrier's Premises from Engineer's Chaining Station 9206/00 to Engineer's Chaining Station 9429/00, a total distance of 22,380 feet, in or near Austin, Travis County, Texas, at a rental of \$25.00 per mile or fraction thereof, per annum, all as more particularly set out in said agreement, to which reference is made the same as if fully set out herein.

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 P. M., subject to call of the Mayor.

APPROVED:

*Tom Miller*

Mayor

ATTEST:

*Helen K. Busch*  
Acting City Clerk