

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 14, 1949
10:00 AM

Council Chamber, City Hall

The meeting was called to order with Mayor Glass presiding.

Roll Call:

Present: Councilmen Drake, Johnson, Long, MacCorkle, Mayor Glass
Absent: None

Present also: Guiton Morgan, City Manager; Trueman E. O'Quinn, City Attorney; C. G. Levander, Assistant Director of Public Works; R. D. Thorp, Chief of Police.

The minutes of the previous meeting were read, corrected, and approved.

The City Manager submitted the name of Mr. EDWARD ROBINSON, JR., for confirmation by the Council, as a member of the Firemen and Policemen's Civil Service Commission for a term of three years. Councilman Drake moved that the nomination of Mr. Edward Robinson, Jr., be confirmed. The motion carried by the following vote:

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

MR. KNOX WRIGHT appeared before the Council requesting early action on the approval of his subdivision adjoining the City Limits with the view of bringing this property into the City Limits. He was advised that this was being sent through the Engineering Department to check the field notes; and when the subdivision is approved and the utilities worked out, an ordinance would be drawn and introduced to bring this inside the City limits.

Councilman Drake 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 conduit 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 pole lines in the following streets:

(1) An underground telephone conduit in RED BUD TRAIL, from Lake Austin Boulevard west to Colorado River, the centerline of which underground telephone conduit shall be $17\frac{1}{2}$ feet south of and parallel to the centerline of said RED BUD TRAIL.

THAT the work and construction of said underground telephone conduit, including the excavation of the streets and the restoration and maintenance of said streets after said 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.

The motion carried by the following vote:

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

Noes: None

Councilman Johnson 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 IVA LANE, from a point 245 feet west of Kinney Road westerly 191 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said IVA LANE.

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

(2) A gas main in MARSHALL LANE, from a point 192 feet south of West 13th Street southerly 54 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 MARSHALL LANE.

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

(3) A gas main in COLETO STREET, from Pennsylvania Avenue northerly 93 feet, the centerline of which gas main shall be $6\frac{1}{2}$ feet west of and parallel to the east property line of said COLETO STREET.

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

(4) A gas main in WRIGHT STREET, from Bluebonnet Lane westerly 542 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said WRIGHT STREET.

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

(5) A gas main in BREEZE TERRACE, from a point 154 feet south of Edgewood Avenue northerly 10 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west and parallel to the east line of said BREEZE TERRACE.

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

(6) A gas main in LAIRD DRIVE, from a point $6\frac{1}{2}$ feet north of Pequeno Street northerly 82 feet, the centerline of which gas main shall be 5 feet west of and parallel to the east property line of said LAIRD DRIVE.

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

(7) A gas main in CLEARVIEW DRIVE, from Schulle Avenue westerly 148 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said CLEARVIEW DRIVE.

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

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand,

and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets, and the restoration and maintenance of said streets after said mains have been laid shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchises granted to said company by the City of Austin.

The motion carried by the following vote:

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

Noes: None

Councilman MacCorkle offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Carl B. Morris entered into a contract, dated January 13, 1949, for the construction of certain sanitary sewer mains and other sewer pipes in connection with the development of Pecan Orchard Subdivision, with the City of Austin, which work was completed May 16, 1949, at a cost of \$3,455.45; and

WHEREAS, Carl B. Morris entered into a contract dated January 13, 1949, for the construction of certain water mains and other pipes in Pecan Orchard Subdivision, with the City of Austin, which work was completed May 16, 1949, at a cost of \$2,202.55; and

WHEREAS, Carl B. Morris has sold, transferred and assigned those two certain contracts dated January 13, 1949, described above, to John A. Gracy of Travis County, Texas, and authorized the said John A. Gracy to collect and receive all moneys due and payable under the terms and provisions of the aforesaid contracts; Now, Therefore,

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

That Guiton Morgan, City Manager, be and he is hereby authorized and directed to acknowledge receipt of an executed copy of said transfer and assignment and to pay to the assignee, John A. Gracy, his heirs or assigns all sums of money becoming due and payable under the terms and provisions of the contracts with Carl B. Morris, hereinabove described.

The motion carried by the following vote:

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

Noes: None

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 final plat of the subdivision known as "Crestmont Addition", approved by the City Plan Commission of the City of Austin June 9, 1949, be and the same is hereby accepted and authorized to be filed of record in the office of the County Clerk of Travis County, Texas, in accordance with the provisions of the laws of the State of Texas, and the ordinances of the City of Austin, and that this action of the City Council be indicated by appropriate notation, signed by the Mayor, on the original plat of said subdivision prior to its recording in the Plat Records of Travis County, Texas.

The motion carried by the following vote:

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

Noes: None

Councilman Drake offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS on the Tax Roll of the City of Austin for the year 1948 an assessment valuation of \$15,000 is placed on the merchandise of Kiddie Korner and on said tax roll a further assessed value of \$3,000 is placed on the furniture and fixtures of said firm, and

WHEREAS, from figures submitted by Herman H. Cooksey, owner of the business concern operating as Kiddie Korner, representing a sworn inventory of taxable property as of January 1, 1948, it appears that the assessable value of said merchandise should be reduced to \$5,070 and that the assessable value of said furniture and fixtures should be reduced to \$700 and that an assessed value of \$660 should be placed on the air conditioning equipment of the Kiddie Korner for the year 1948, now, therefore,

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

THAT the City Tax Assessor and Collector be directed, and he is hereby so instructed, to reduce the assessed value of said merchandise to \$5,070 and to reduce the assessed value of said furniture and fixtures to \$700 and to place an assessment of \$660 value on the air conditioning equipment of the Kiddie Korner for the year 1948.

The motion carried by the following vote:

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

Noes: None

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 advertise for bids on the sale of revenue bonds of the City of Austin at 10:00 A.M. August 18, 1949, which bonds were authorized for issuance by the electorate May 16, 1949, as follows:

City of Austin Water, Electric, and Sanitary Sewer Revenue Bonds	\$ 2,850,000
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Advertisement for such bids shall be in the usual and customary forms adopted and followed in advertising general obligation bonds, and shall be published at least once in a newspaper of general circulation published in the City of Austin and in The Bond Buyer. The right shall be reserved to the City of Austin to reject any and all bids, and advertisements shall direct the filing of sealed bids to be opened by the City Council at its regular meeting at the time and on the date set forth above.

The motion carried by the following vote:

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

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 advertise for bids on the sale of bonds of the City of Austin at 10:00 A.M. August 18, 1949, which bonds were authorized for issuance by the electorate, May 7, 1946, as follows:

Police and Municipal Courts Building	\$ 180,000.00
Public Free Schools	\$ 750,000.00

\$ 930,000.00

Advertisement for such bids shall be in the usual and customary forms and shall be published at least once in a newspaper of general circulation published in the City of Austin and in The Bond Buyer. The right shall be reserved to the City of Austin to reject any and all bids, and advertisements shall direct the filing of sealed bids to be opened by the City Council at its regular meeting at the time and on the date set forth above.

The motion carried by the following vote:

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

Noes: None

Councilman MacCorkle introduced the following ordinance

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF AUSTIN; PRESCRIBING PENALTIES FOR THE VIOLATION OF SAME; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN MAY 6, 1937, AND IS RECORDED IN ORDINANCE BOOK "K", PAGES 159-179, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTIONS 12(a) AND 12(b) OF ARTICLE III, RELATING RESPECTIVELY TO SIGNAL LIGHT AND STOP SIGN LOCATIONS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

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

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

Noes: None

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

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

Noes: None

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

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

Noes: None

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

MR. J. A. NELSON appeared before the Council regarding his tax assessment on his property at 2200 East Avenue. This request was referred to the City Manager to be rechecked by the Tax Department.

MR. CRISPI WOODS appeared before the Council requesting that a park be developed at the location which the Polio, Inc., may sell to the City. The City Manager stated that the Recreation Department did not recommend this location as being suitable nor desirable as a playground, but that a playground was needed in that area. MR. WOODS stated that this was the last piece of property available, and that it would serve for a place for the children to play. He stated the only other piece of property was the seven acre tract back of Brykerwood School which was more or less a gravel pit now; but since it was only two blocks from Bailey Park he did not feel that the City would develop it into a playground. The City Manager stated that the City ranked high in playgrounds, but there was a limit to the supervision, and that a playground at this location would not be a supervised play area. Mr. Woods stated that would be satisfactory, as the children would have a place to play other than in the streets. Councilman MacCorkle moved that the City Manager be instructed to prepare an estimate of developing this small play area, and also an estimate of developing the property adjoining Brykerwood School, with the idea of asking the School Board to help finance this play ground adjoining Brykerwood School. The motion carried by the following vote:

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

The City Manager stated that C. M. HATLEY had requested the City to pave the road through Zilker Park at the Pistol Range to connect with his property. He stated it would cost about \$2,000.00; but since it would benefit mainly the subdivision outside the City Limits, he recommended that it be paved only in the event Mr. Hatley paid half of the cost. Councilman Drake moved that the City Manager be instructed to work out an agreement with Mr. Hatley to pay a certain part of this paving; as it was understood sometime back, Mr. Hatley agreed to pave all of it. The motion carried by the following vote:

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

Councilman Drake moved that a study of the fees that are charged for services such as plumbing inspections, building permits, etc., be made with the idea of charging for these services so that the facilities of the City can be improved, and the people receiving the services would pay the fees, and that the City Manager be instructed to make this survey. The motion carried by the following vote:

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

Councilman Drake stated it would be advisable to obtain a list of the property that the City has acquired tax title on and to dispose of that property at public sale, turning it into revenue. Councilman Drake moved that the City Manager furnish a list of all the property the City has acquired tax title to, the surplus property, and the right-of-way property surplus; and after checking this property with the various departments of the City, make recommendation to the Council the properties that could be sold. The motion duly seconded carried by the following vote:

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

Councilman Long stated she would like to get the assessment plan for paving started at the earliest possible moment, so that the people could know that this plan is available, and the contractors said they were ready to start on contracting for this work.

Councilman MacCorkle made inquiry of the status of the hospital expansion. The City Manager stated the Council had not instructed him to call off any part of this building; and as of this date, the expansion was going on as previously planned. It was brought out that the Architects wanted a letter from the City Manager stating that the plans would be carried out. The City Manager stated the architects had not been told to stop work or anything. The Council instructed the City Manager to go ahead and write the architects to that effect.

The Mayor stated that the School Board requested the City to reassess the property outside the city limits for school purposes only, and that the City should have an agreement with the School Board that it will bear the cost of this reappraisal, as it would benefit only the schools. The City Manager stated he would get a letter from Dr. Edgar or Mr. Porter stating that the Austin Public Schools would bear the cost, and that the City would go ahead and do the work.

Councilman Johnson moved that the following Taxi-cab Operators licenses, duly recommended by the City Manager, be granted:

WASHINGTON, Marcellus James

2509 Sol Wilson
1947 Four-door Chevrolet Sedan,
Motor No. E.A.A.-397979, License KL
5449

VASQUEZ, MOSES

2404 East 7th Street
1946 Four-door Chevrolet, Motor
No. 5540744, License No. KM3525

The motion carried by the following vote:

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

Councilman Johnson moved the following Taxi-cab Drivers Licenses, duly recommended by the City Manager, be granted:

STEVENSON, MELVIN MERITT	110 West Johanna
BUKOWSKY, GUS MARTIN	1007 San Jacinto
DAVIS, BILLY JOE	805 West Avenue

The motion carried by the following vote:

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

Councilman Johnson moved that the following boat licenses, duly recommended by the City Manager, be granted:

GROTE, WALTER	2817 Manor Road - Semi-Outboard
WALKER, A. G.	1417 Preson - Outboard
LANTEAR, BOBBY W.	5005 Martin - V-Bottom Fishing Boat
TRAVIS COUNTY	Court House - Outboard

The motion carried by the following vote:

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

Councilman Drake moved that the following Beer Permit, duly recommended by the City Manager, be granted:

IDLE HOUR TAVERN, FRED BROWN	316 East 6th Street
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The motion carried by the following vote:

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

Councilman Long moved that the following applications for change of zoning, having been returned with a recommendation from the Zoning Board of Adjustment, be set for public hearing at 2:30, Thursday, August 11, 1949:

G. F. WILLS	1007 E. 46th. The NE 50' x 150' of a 3 acre tract, Outlot 17, Blk. W, Div. "W" Ridgeway 4th Addition.	From "A" Residential To "C" Commercial RECOMMENDED by the Zoning Board of Adjustment.
RAY STEVENS, for MRS. MAUDE H. KINGSBURY	Lot 1, (sw 50' x 60'), Blk. 140, Original City of Austin.	From "C-1" Commercial To "C-2" Commercial NOT Recommended by the Zoning Board

The motion carried by the following vote:

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

Councilman Long moved that the following application be referred to the Zoning Board of Adjustment for consideration and recommendation:

WILL MANN RICHARDSON
Atty., for C. E. PEAR-
SON, MERVIN ASH, &
WESLEY HAMMER

From "C-1" Commercial
To "C-2" Commercial

1904 South Congress

The motion carried by the following vote:

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

Noes: None

Public hearings on the following applications were advertised for 2:30 P.M. this date:

TED WENDLANDT, for
MRS. SOPHIA WENDLANDT

2905 West Avenue

From "A" Residential
To "C" Commercial
RECOMMENDED by the
Zoning Board.

Mr. Ted Wendlandt appeared before the Council in behalf of Mrs. Sophia Wendlandt asking for change of zoning. No one appeared in protest. Councilman Johnson moved that the recommendation of the Board of Adjustment be sustained and the change GRANTED as requested, and the City Attorney instructed to prepare an ordinance. The motion carried by the following vote:

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

Noes: None

C. O. BARKER and
ANDREW TASBY

2915 and 2913 East
19th Street

From "A" Residential
To "C" Commercial
RECOMMENDED by the
Zoning Board.

Mr. Barker appeared representing this request. No one appeared in protest. Councilman Johnson moved that the recommendation of the Board of Adjustment be sustained, and the change Granted as requested, and the City Attorney instructed to prepare the ordinance. The motion carried by the following vote:

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

Noes: None

LAWRENCE OWENS

1189 $\frac{1}{2}$ -1199 $\frac{1}{2}$ Har-
grave

From "A" Residential
To "C" Commercial
RECOMMENDED by the
Zoning Board.

Mr. Owens appeared in his own behalf requesting this change. No one appeared in protest. Councilman Long moved that the recommendation of the Zoning Board be sustained, and the change GRANTED as requested, and the City Attorney be instructed to prepare the necessary ordinance. The motion carried by the

following vote:

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

C. N. AVERY, JR.,
for O.B.PETERSON

3502 East Avenue

From "A" Residential
To "C" Commercial
RECOMMENDED by the
Zoning Board

Mr. Avery appeared before the Council for Mr. Peterson in making the above request. No one appeared in protest. Councilman Long moved that the recommendation of the Zoning Board be upheld and the requested change GRANTED, and the City Attorney instructed to prepare the necessary ordinance. The motion carried by the following vote:

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

ERNEST C. OHLENDORF

4506 E. Avenue

From "A" Residential
To "C" Commercial
RECOMMENDED by the
Zoning Board

Mr. Ohlendorf appeared before the Council in the interest of his requested change. No one appeared to protest. Councilman MacCorkle moved that the recommendation of the Zoning Board be upheld and the requested change GRANTED, and that the City Attorney be instructed to prepare the necessary ordinance. The motion carried by the following vote:

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

DAVID PICKLE for
J. J. JOSEPH

2308-10 Leon

From "A" Residential
To "B-1" Residential
RECOMMENDED

Mr. Pickle appeared before the Council in behalf of the above requested change. No one appeared in protest. Councilman MacCorkle moved that the recommendation of the Zoning Board be upheld and the requested change GRANTED, and that the City Attorney be instructed to prepare the necessary ordinance. The motion carried by the following vote:

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

M. H. FLOURNOY

1405 Chestnut

From "A" Residential
To "C" Commercial
NOT Recommended by the
Zoning Board.

Mr. Flournoy, Jr., came before the Council in his own behalf on the above change. No one appeared in protest. The Zoning Board did not recommend this property to be changed; however, it was discussed that this property was not suitable for any kind of residential use, and it could be used as commercial; and as there were no people protesting this change, Councilman MacCorkle moved that the Council NOT sustain the Zoning Board in its recommendation, but GRANT the change, and instruct the City Attorney to prepare the necessary ordinance. The motion carried by the following vote:

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

Noes: None

A. F. DELONEY

3501-3509 Mills Ave.

From "A" Residential
To "C" Commercial
NOT Recommended by the
Zoning Board

3501-3512 Lakeside

From "A" Residential
To "B" Residential
RECOMMENDED by the
Zoning Board

Mr. A. F. Deloney came before the Council in his own behalf stating he would like to build some store buildings on Mills Avenue; and that he opened the street Lakeside, and it is a beautiful location for apartment houses. Mills Avenue is off the congested streets, and would be suitable for a community center. The Council deferred action on this request until it could visit this property and stated it would vote on this application the following meeting, July 21, 1949.

HENRY WENDLANDT For
K. R. MEYER

1902-1904 Lake Aus-
tin Blvd.

From "A" Residential
To "C" Commercial
NOT Recommended by
the Zoning Board

Mr. K. R. Meyer appeared in his own behalf requesting this change. MRS. J. S. WILLIAMS, 2002 Sunset, spoke in opposition, stating this was a residential area, and the Commercial zoning would permit certain types of business that this area did not want; and that this property was rental property and was bringing in some income. MERTON R. RUNDLELL, and LEE BOOTH, appeared in protest of changing this into commercial property. The Council deferred action on this request until it could make an inspection of the property and stated it would vote on this application the following meeting, July 21, 1949.

The application of HERBERT NASSOUR for change of zoning at his property at 58 East Avenue from "A" Residential to "C" Commercial, NOT RECOMMENDED by the Zoning Board of Adjustment, was withdrawn by letter from his agent, Harrison-Wilson-Pearson, dated July 12, 1949.

HERMAN JONES, ATTY.
For W. A. DARNWELL &
JACK H. KEY

2101 Hancock Drive

From "C" Commercial
To "C-1" Commercial
Recommended by the
Zoning Board of Ad-
justment.

Mr. Herman Jones appeared before the Council in behalf of Mr. Darnwell's request for change of zoning. Mr. Jones pointed out this location was almost surrounded by property owned by Mr. Darnwell, and that his cafe is well isolated from the residential property. He stated this was a commercial area, and that there were others within 100 yards accorded the privilege of selling beer. MRS. FRANK MARTIN, 4911 Glenwood protested, stating their home adjoined this property in the back; MRS. O. L. SHANNON, mother of five children, protested this change; LEE WILBURN, representing the Austin Public Schools appeared in opposition as this location was too close to the Rosedale Elementary School; J. A. BIGGERT, 4907 Burnet Road protested the sale of beer on the highway in that neighborhood; near the school and near a church, and stating Rosedale School was a model school where educators from all over the state visited; and this location was too near the school to have the sale of beer. MRS. MARTIN STARK, 4922 Burnet Road protested. MRS. A. R. BRATTON spoke in opposition of a beer place within a half block of her home. MRS. T. J. HOLBROOK, spoke in opposition, stating this was a rapidly developing residential area with schools and churches, and this location was not a desirable location from the residents in that neighborhood; that their police protection was not too substantial. The other places selling beer were establishments given permits before this area came into the City limits. REV. PAUL ARGO, 5128 Burnet Road, Pastor of the Christian Church, appeared in opposition, stating that 90% of the neighborhood absolutely did not want this change granted. REV. O. G. BARROW, Pastor of the Rosedal Baptist Church of 560 members, appeared in opposition as this place was too near the school of 1200 elementary students. He stated Mr. Darnwell has prospered in his cafe business and does not need to add the sale of beer; but it is one against 20,000 Rosedale people who need to build for the future better schools, better churches and better habitants. DR. LEMUEL HALL, 2012 Romeria, spoke in opposition. Councilman Drake moved that the recommendation of the Zoning Board be upheld and the change granted as requested. The motion DID NOT carry by the following vote:

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

The change was thereby NOT GRANTED.

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Mayor Glass introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION AND MAINTENANCE OF THE PORTION OF STATE HIGHWAY NO. 20 IN THE CITY OF AUSTIN, TEXAS, HEREINAFTER REFERRED TO AS "THE STREET PROJECT" AND AUTHORIZING THE CITY MANAGER OF THE CITY TO EXECUTE AND THE CITY CLERK TO AFFIX THE CORPORATE SEAL AND ATTEST THE SAME, A CERTAIN CONTRACT BETWEEN THE CITY AND THE STATE OF TEXAS PROVIDING FOR THE INSTALLATION, CONSTRUCTION, MAINTENANCE, EXISTENCE AND USE OF THE SAID STREET PROJECT: FOR THE INDEMNIFICATION OF THE STATE OF TEXAS, BY THE CITY AGAINST ALL DAMAGES TO ADJOINING, ABUTTING AND OTHER PROPERTY, AND FOR EXPENSES IN CONNECTION WITH ANY CLAIM OR SUIT THEREOF: AND DECLARING AN EMERGENCY AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER ITS PASSAGE.

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

The ordinance was read the second time and Councilman Johnson 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 Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

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

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

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

Mayor Glass introduced the following ordinance:

AN ORDINANCE PROVIDING FOR THE CONSTRUCTION AND MAINTENANCE OF THE PORTION OF HIGHWAY NO. U.S.HWY. 81 CONNECTION IN THE CITY OF AUSTIN HEREINAFTER REFERRED TO AS "THE STREET PROJECT" AND AUTHORIZING THE CITY MANAGER OF THE CITY TO EXECUTE AND THE CITY CLERK TO AFFIX THE CORPORATE SEAL AND ATTEST THE SAME, A CERTAIN CONTRACT BETWEEN THE CITY AND THE STATE OF TEXAS PROVIDING FOR THE INSTALLATION, CONSTRUCTION, MAINTENANCE, EXISTENCE AND USE OF THE SAID STREET PROJECT: FOR THE INDEMNIFICATION OF THE STATE OF TEXAS, BY THE CITY AGAINST ALL DAMAGES TO ADJOINING, ABUTTING AND OTHER PROPERTY, AND FOR EXPENSES IN CONNECTION WITH ANY CLAIM OR SUIT THEREOF: AND DE-

DECLARING AN EMERGENCY AND PROVIDING THAT THIS
ORDINANCE SHALL BE EFFECTIVE FROM AND AFTER
ITS PASSAGE.

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

The ordinance was read the second time and Councilman Johnson 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 Drake, Johnson, Long, MacCorkle, Mayor Glass
Noes: None

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

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

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

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

APPROVED: Taylor Glass
Mayor

ATTEST:

Acting City Clerk