

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 28, 1949
10:00 AM

Council Chamber, City Hall

The meeting was called to order with Mayor Glass presiding:

Roll call:

Present: Councilmen Drake, Johnson, MacCorkle, Mayor Glass
Absent: Councilmen Long

Present also: Guiton Morgan, City Manager; Trueman E. O'Quinn, City Attorney; J. E. Motheral, Director of Public Works; R. D. Thorp, Chief of Police, Joe D. Ruffman, Jr., Director of Finance.

The minutes of the previous meeting were read and approved.

MR. HERMAN JONES appeared before the Council stating that he had submitted a proposal to establish a "pitch and putt" golf course on the Butler Tract; and asked that when the City Manager made his report to the Council on this, that he would like to have an opportunity to discuss this more fully. The City Manager stated he would try to have a report on this by the next meeting.

MR. JOE WILT, 1404 West 40th Street, submitted a petition for paving West 40th Street from Bailey Lane. He stated these residents would like to be included in the paving program on a contract basis. The City Manager stated there was the problem of a storm sewer in this project which might cost between \$40,000 and \$50,000. The Council referred this matter to the City Manager to work out something with the Engineering Department and have a report ready in about two weeks at the Council meeting of August 11th.

MR. WILL HART appeared before the Council representing MR. AND MRS. WALTER C. LEAR with reference to their property on Lamar and 31st Street. Mr. and Mrs. Lear stated the proposed 25' set-back would seriously affect the use of that property. The Council decided to make a personal inspection of this property.

The Council decided to make a personal inspection of all the property on Lamar Boulevard that would be affected by the proposed 25' set-back ordinance, Tuesday morning, August 2nd, at 8:00 A. M.

The request for permission to construct a filling station at the Southeast corner of West 34th and Lamar Boulevard by the HUMBLE OIL AND REFINING COMPANY was again laid before the Council for action. The Council again deferred action on this request, pending its inspection of Lamar Boulevard on Tuesday, August 2nd.

The City Manager submitted the following tabulation of bids received and opened on July 12, 1949, at 10:00 AM on Contract No. 13A, POWER PLANT FOUNDATION; and recommended that the award be made to the E. B. Sneed Construction Company, Austin, Texas, as the lowest and best bidder:

E. B. Sneed Construction Company, Austin	\$ 98,200.00
Yarbrough Construction Company, Austin	99,000.00
J. M. Odom Construction Company, Austin	108,663.00
Rex Kitchens Construction Company, Austin	112,211.00
Moore Construction Company, Austin	117,835.00
Leslie Crockett Construction Company, Austin	120,432.00
Brown & Root Construction Company, Austin	130,250.00
Mackenzie Construction Company, San Antonio	132,500.00
Ricks Construction Company, Austin	141,123.00
John Broad Construction Company, Austin	147,072.00
Wyche & Bruce Construction Company, Brenham	160,000.00
Austin Building Company, Dallas	176,800.00

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council of the City of Austin received and considered the bids of twelve construction companies for installation and construction of power plant foundations in connection with the extension and improvement of the electric light and power plant and facilities on July 12, 1949; and

WHEREAS, the bid of E. B. Sneed Construction Company of Austin, Texas, being for the sum of \$98,200.00, was found to be the lowest and best bid of the twelve bids submitted; Now, Therefore,

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

That Gulton Morgan, City Manager, be and he is hereby authorized and directed to enter into a formal written contract with the E. B. Sneed Construction Company of Austin, Texas, for construction of power plant foundations under Contract No. 13A, in connection with improvement and extension of the electric light and power plant and facilities of the City of Austin immediately upon receipt of information that purchase of the site upon which the foundations are to be constructed from Guy A. Thompson, Trustee, International-Great Northern Railroad Company, Debtor, has been approved by said Trustee and by the District Court of the United States, Eastern Division, Eastern Judicial District of Missouri, at St. Louis, Missouri.

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

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

Councilman MacCorkle mentioned that at two of the railroad crossings, he had noticed the Railroad Company had made some improvements. The City Manager stated that there was an agreement with the Railroad Company to undertake a year's program of improving the railroad crossings all over Austin--revising their switching operations as soon as the new station is opened up on August 8, 1949. He stated this would take a substantial part of the switching off from Lamar Boulevard. The City Manager reported this program included improving the crossings where they would not be rough, and an improvement to the erection of signs and warning devices.

MR. CARL HARDIN, JR., appeared before the Council stating that POLIO, INC., had an offer from the American Motor Cycle Association, headed by JACK O'LEARY, where the proceeds from a motorcycle meet to be held on the Burnet Road will be turned over to Polio, Inc. He stated this meet took in riders from Texas, Arkansas, Oklahoma, Missouri, etc., and they expected a crowd of about 6,000 people. In order to let the people know about it, MR. HARDIN asked permission to stage a parade on Congress Avenue Saturday afternoon, which would take about ten or fifteen minutes. The matter was referred to the City Manager to work out something with the Chief of Police in arranging a parade.

The City Manager made on report on the proposed JUVENILE FISHING SITE at Barton Creek, requested at a previous meeting by CONRAD FATH and other sportsmen. The Manager listed the cost of electric fence across Barton's Creek, and other costs as follows:

Electric Fence and installation		\$2,801.86
Clean banks on north side of Creek	\$ 200.00	
Erection of signs designating area	<u>50.00</u>	<u>250.00</u>
		\$3,051.86

Week-end supervision during school year:	
9:00 a.m. - 6:00 p.m. - Saturday	
1:00 p.m. - 6:00 p.m. - Sunday	
38 week-ends @ \$14.00 each	\$ 532.00

Summer supervision-daily 1:00 - 8:00 p.m.	
3½ months @ \$150.00 per month	<u>525.00</u>
	\$1,057.00

The City Manager state it was the opinion of both the Recreation Director and himself that this fence would be subject to being torn out by floods; that the weeds would be a nuisance to this project. He listed the cost of supervision for this as being \$1,057.00, and the costs of cleaning the area and installing the fence would be \$3,051.00. The Director of Recreation did not recommend this expenditure of money on this project; and in view of his recommendation, and in

view of the uncertainty of the popularity and use of the pond, the City Manager did not recommend this to the Council. Councilman Johnson moved that the recommendation of the City Manager be accepted and the proposed fishing pond not be developed as the cost is excessive. The motion, duly seconded, carried by the following vote:

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

The City Manager submitted his report on the proposed playground at OAKMONT AND WEST 30th - BRYKERWOODS, requested by CRISPI WOODS and others. He stated that there would be a drainage problem in this area and a swag would have to be left through the middle of the area to permit the flow of water. The drainage ditch along the East side of the grounds would present a problem of maintenance. Two foot bridges would be necessary to cross this ditch. He listed the cost of grading, leveling, sodding, the two foot bridges, and a softball backstop, together with the labor, as amounting to \$4,100.00; and he stated the Director of Recreation did not recommend this as suitable, and he in turn recommended to the Council that this area was not desirable for a playground area. Councilman Johnson moved that the recommendation of the City Manager be accepted. The motion, duly, seconded, carried by the following vote:

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

A report on the seven-acre tract adjoining Brykerwoods School was made by the City Manager. He submitted an estimate of the cost in developing this area, to be \$27,675.00. This estimate included grading and leveling, sodding, water service to the park, water system on playgrounds, two tennis courts, lights on tennis courts and softball field, shelter house, junior swimming pool, apparatus, etc. The City Manager stated it would not be practical to develop this playground at West 34th and Shoal Creek unless the nearby Bailey Playground would be moved to this location, but he did recommend that this be considered as a future playground when Park and Playground Bonds were sold next year. He further stated that the City was in good shape now on park and playgrounds--better than any other city its size. Councilman Johnson moved that the recommendation of the City Manager that this development be considered for future development be accepted. The motion, duly seconded, carried by the following vote:

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

A report on the playground development for negroes at the BRACKENRIDGE SCHOOL in South Austin was made by the City Manager. He stated he did not recommend the City's going in on a school ground and installing play equipment and developing it as a playground. At this location, the ground is unlevel, and there would not be too much play area at that location. The City manager recommended that this area not be developed, for the above reason, and that the population was decreasing in that location from year to year. Councilman

Johnson moved that the recommendation of the City Manager be accepted. The motion, duly seconded, carried by the following vote:

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

The City Manager submitted his report on the previous request of MURIEL JANUARY for a playground at 2510 South 1st Street, where a group had purchased one lot and had an option on four adjoining lots for \$650.00 each. The City Manager stated this location was directly across the street from the Gillis Playground; and as there were not very many children in this area, he did not recommend the purchase of this property as a site for a negro playground. Councilman Johnson moved that the recommendation of the City Manager be accepted. The motion, duly seconded, carried by the following vote:

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

The City Manager reported to the Council on CLARKSVILLE SCHOOL as a play area in West Austin for the colored children. He stated this area was decreasing in negro population and that he did not recommend developing this as a playground. He stated the children went to school there, but probably would not return there to play. He felt that the money could be more effectively used for playgrounds for the colored in some other way, and that there would be more benefited and served. Councilman Johnson moved that the recommendation of the City Manager be followed. The motion, duly seconded, carried by the following vote:

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

The City Manager made a report on the OLIVER STREET SCHOOL GROUNDS as a possible playground site. He stated that this abandoned school building could be renovated and the grounds levelled, playground apparatus installed, a junior swimming pool constructed, and lighting, etc., could be accomplished at about \$9,900; and he recommended that this playground be considered as a 1950 budget item. Councilman Johnson moved that the recommendation of the City Manager be accepted. The motion, duly seconded, carried by the following vote:

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

Councilman MacCorkle made the statement that playgrounds and parks were needed in east Austin and South Austin, and inquired if there was a study being made by the Recreation Department for an overall plan of playgrounds. The City Manager stated that in selling \$900,000.00 Hospital Bonds and \$1,500,000 School Bonds, that there was no plan for the sale of Recreation Bonds for this year or next, but that possibly in 1951, \$100,000 might be sold for recreation.

The City Manager presented a request of the School Board for the use of the Coliseum for their basketball games, but not at the set price adopted by resolution of the Council. The City Manager recommended making a charge of one-half the set price. There was some discussion as whether or not the City would actually bear one-half the cost; and since the Coliseum is so new and experience has not been developed on what will be the actual cost, the Council decided not to take any action on this request until more details could be worked out and something definite could be offered the School Board that would at the same time keep the Coliseum paying for itself.

The City Manager submitted the estimated operating revenue and expenditure statement of the Utility Fund for discussion and study and submitted some questions to be decided upon at the next Council meeting on August 4th. He listed three things to be decided upon: (1) the paying agent; (2) the approving opinion of the Bond Attorney. The City Manager stated that WOOD, KING AND DAWSON would hold these bonds as a lien against the property instead of the net revenue, and the City Manager stated that just will not be done; and it was his recommendation to go to CHAPMAN AND CUTLER as approving attorneys on the bonds if WOOD, KING AND DAWSON insisted on holding them as a lien against the property; and (3) the callable provisions to be printed in the prospectus. The City Manager explained the reasons for making this call. He stated that the City Attorney and Finance Director were going to settle the question with Wood, King and Dawson and have their report ready for the next meeting. The City Manager recommended that the City go ahead with the whole program and sell all the bonds, and the sale of the water and electricity would bring in more money. He stated that definite information would be available next Thursday.

CITY OF AUSTIN
UTILITY FUND
ESTIMATED OPERATING REVENUE AND EXPENDITURE STATEMENT
FOR THE CALENDAR YEARS AS SHOWN

1954	1955	1956	1957	1958	1959	GRAND TOTAL
\$4,250,000	\$4,530,000	\$4,850,000	\$5,170,000	\$5,500,000	\$5,850,000	\$47,595,000
23,000	23,000	23,000	23,000	23,000	23,000	257,000
\$4,273,000	\$4,553,000	\$4,873,000	\$5,193,000	\$5,523,000	\$5,873,000	\$47,852,000
\$1,400,000	\$1,470,000	\$1,530,000	\$1,620,000	\$1,710,000	\$1,800,000	\$15,620,000
70,000	70,000	70,000	70,000	70,000	70,000	755,000
\$1,470,000	\$1,540,000	\$1,600,000	\$1,690,000	\$1,780,000	\$1,870,000	\$16,375,000
\$5,743,000	\$6,093,000	\$6,473,000	\$6,883,000	\$7,303,000	\$7,743,000	\$64,227,000
\$ 400,000	\$ 480,000	\$ 535,000	\$ 550,000	\$ 600,000	\$ 630,000	\$ 4,735,000
815,000	850,000	895,000	990,000	1,045,000	1,120,000	9,090,000
195,000	200,000	220,000	240,000	265,000	300,000	2,430,000
\$1,410,000	\$1,530,000	\$1,650,000	\$1,780,000	\$1,910,000	\$2,050,000	\$16,255,000
450,000	475,000	495,000	525,000	555,000	580,000	5,022,000
202,000	214,000	225,000	235,000	245,000	260,000	2,235,000
\$2,062,000	\$2,219,000	\$2,370,000	\$2,540,000	\$2,710,000	\$2,890,000	\$23,512,000
175,000	175,000	175,000	175,000	175,000	175,000	1,925,000
70,000	70,000	70,000	70,000	70,000	70,000	775,000
\$2,307,000	\$2,464,000	\$2,615,000	\$2,785,000	\$2,955,000	\$3,135,000	\$26,212,000
\$3,436,000	\$3,629,000	\$3,858,000	\$4,098,000	\$4,348,000	\$4,608,000	\$38,015,000
\$ 554,000	\$1,275,000	\$1,272,000	\$1,273,000	\$1,275,000	\$1,270,000	\$ 8,219,000
\$2,882,000	\$2,354,000	\$2,586,000	\$2,825,000	\$3,073,000	\$3,338,000	\$29,796,000

The Council received and read the following letter from the Zoning Board of Adjustment:

"July 28, 1949

Honorable Mayor and City Council
City of Austin
Austin, Texas

Gentlemen:

Re: Zoning--"C-1" and "C-2" Commercial Districts

There has come to the attention of the Board on numerous occasions evidence that the sale of beer for off-site consumption is often favored when on such applications the sale of hard liquor through package store methods is opposed. Therefore, it has been pointed out to our Board that the sale of beer for off-site consumption should be permitted at times when the granting of a "C-2" permit would be seriously opposed.

Therefore, it is the opinion of our Board that it might be helpful to make a further investigation and study into the need of either amending the "C-1" classification to permit the sale of beer, or at least "hot beer", for off-site consumption, or if that is not feasible then to consider the adoption of a new zoning classification that would relate to the sale of beer, and probably wine, for off-site consumption that would not be tied in with the sale of beer for on-site consumption, with the sale of food, or with package store operation.

This matter has already been called to the attention of the former Council by the Board in two separate communications.

Respectfully submitted,

BOARD OF ADJUSTMENT

By /s/
H. F. Kuehne, Chairman"

Councilman MacCorkle moved that the Council make a study of this communication and bring it up for discussion at a later meeting. The motion, duly seconded, carried by the following vote:

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

Councilman Drake introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON LOTS 1, 2, AND 3, BLOCK 12, AND LOTS 11 TO 20, BLOCK 13, GLEN RIDGE ADDITION; AND CHANGING THE USE DESIGNATION FROM "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON LOT 2, BLOCK 2, SILLIMAN ADDITION, OUTLOT 5, DIVISION "Z"; ALL OF SAID PROPERTY BEING IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

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

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

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

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

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

Councilman Johnson introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN BOOK "I", PAGES 301-318, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B-1" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON LOTS 1 & 2, AND WEST 50'x48' OF LOT 3, OUTLOT 41, DIVISION "D", UNPLATTED; AND CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND FIRST HEIGHT AND AREA DISTRICT ON; (1) LOT 18, BLOCK 4, OUTLOT 72, DIVISION "D", BROWN ADDITION; (2) LOTS 4 & 5, BLOCK 1 AND LOT 1, BLOCK 2, OWENS SUBDIVISION NO. 2; (3) LOT 8, BLOCK 3, OUTLOT 21, DIVISION "C", PLAINVIEW HEIGHTS; (4) 1.76 ACRES OUT OF OUTLOT 17, DIVISION C; AND (5) THE SOUTH 23.32 FEET OF LOT 9, BLOCK 13, GLENWOOD ADDITION; AND CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "C" COMMERCIAL DISTRICT AND SECOND HEIGHT AND AREA DISTRICT ON THE NORTH 75 FEET OF LOT 21, OUTLOT 28, DIVISION "B", UNPLATTED; ALL OF SAID PROPERTY BEING IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

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

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

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

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

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

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

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 following described tract of land located in Travis County, Texas, owned by the City of Austin, a municipal corporation, situated in Travis County, Texas, be and the same is hereby set aside and dedicated for use as a public road and as part of the highway to be known as the Interregional Highway, such tract of land being more particularly described as follows:

Seven and ten one-hundredths (7.10) acres of land, same being a portion of Lot No. 12, of the H. A. and J. G. Fitzhugh Subdivision of the Rutherford Farm, same being a portion of the James P. Wallace League, the John Applegate Survey and all of the Williams Wilks Labor in Travis County, Texas, according to a map or plat of said H. A. and J. G. Fitzhugh Subdivision of record in Plat Book 1, Page 108, of the Plat Records of Travis County, Texas, which Lot 12, together with other property was conveyed to the City of Austin, Texas, by George R. Click, Jr. by warranty deed dated November 9, 1945, of record in Volume 773, pages 242-243, of the Deed Records of Travis County, Texas, said 7.10 acres of land being more particularly described by metes and bounds as follows:

BEGINNING at an iron pipe set at the point of intersection of the proposed east right of way line of the Interregional Highway with the north line as fenced of the City of Austin tract of land;

THENCE with the proposed east right of way line of the Interregional Highway, S. 29°55'W. 2196.7 feet to an iron pipe set on the south line as fenced of the City of Austin tract of land;

THENCE with the south line as fenced of the City of Austin tract of land, N. 60°02'W. 139.50 feet to the west line as fenced of said City of Austin tract, same being the east fence line of the Middle Fiskville Road;

THENCE with the west fence line of the City of Austin tract, same being the east fence line of the Middle Fiskville Road, N. 29°51'E. 2195.85 feet to an iron pipe set in the north line as fenced of the City of Austin tract of land, same being the south fence line of a country road;

THENCE with the north fence line of the said City of Austin tract of land, same being the south fence line of a country road, S. 60°24'E. 142.10 feet to the place of beginning.

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

That the City Clerk be and she is hereby authorized and directed to file this resolution in the office of the County Clerk of Travis County, Texas, giving notice to the public of the dedication for highway purposes of the tract of land hereinabove described.

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

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

Councilman MacCorkle 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 L. L. McCandless, for the laying of certain water mains, sanitary sewer mains and other pipes in Crestmont Addition, 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, duly seconded by Councilman Drake, carried by the following vote:

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

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Abe Cohn and Violet Lipson are the owners of Lot 20 out of a subdivision of the east one-half of Outlot 1 in Division "Z", of the Government Outlots adjoining the Original City of Austin as said subdivision is shown by a map or plat recorded in Book 1, page 23, of the Plat Records of Travis County, Texas; and

WHEREAS, said Lot 20 extends beyond the north property line of West 5th Street at and near its intersection with Walsh Street, a distance of four feet, and said four foot strip off the south portion of Lot 20 is desirable for street purposes in order to establish a uniform width of 60 feet for West 5th Street at and near its intersection with Walsh Street; and

WHEREAS, the said Abe Cohn and Violet Lipson have indicated a willingness to convey said four foot strip off the said Lot 20 to the City of Austin for and in consideration that the City of Austin will quitclaim to the said Abe Cohn and Violet Lipson a strip 3.3 feet wide off the property owned by the City of Austin and known as the "Treaty Oak" property, which said 3.3 foot strip has been under fence for many years by the said Abe Cohn and Violet Lipson and lies outside the stone wall surrounding the "Treaty Oak" property, thus placing a cloud upon the title of the City of Austin to the said 3.3 foot strip; NOW, THEREFORE,

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 execute in behalf of the City of Austin a quitclaim deed to Abe Cohn and Violet Lipson on the following described property, to-wit:

422 square feet of land, same being out of and a part of the north 104.30 feet of Lots 15 and 16, and the north 104.30 feet of the west 24.00 feet of Lot 14, all in Block 2 of Raymond Plateau, a subdivision of Outlot 11, Division Z, of the Government Outlots adjoining the Original City of Austin, Travis County, Texas, according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, a map or plat of said Raymond Plateau being of record in Book 1, page 30, of the Plat Records of Travis County, Texas, which north 104.30 feet of Lots 15 and 16 and the north 104.30 feet of the west 24 feet of Lot 14 was conveyed to the City of Austin by deed dated August 11, 1937, of record in Volume 568, at pages 537 to 538, inclusive, of the Deed Records of Travis County, Texas, which 422 square feet of land is more particular.y described by metes and bounds as follows:

Beginning at an iron stake in the west line of said Lot 16, same being the east line of a street formerly known as Crockett Street but now known as Baylor Street, and from which iron stake the southwest corner of Lot 16, same being the point of intersection of the north line of West 5th Street with the east line of Baylor Street bears S. 24° 57' W. 104.00 feet;

Thence with the east line of Crockett Street, N. 24° 57' E. 3.30 feet to a point on the south side of a rock wall;

Thence with the south side of said rock wall, S. 65° 17' E. 128.00 feet to the corner of said rock wall;

Thence S. 24° 57' W. 3.30 feet to a point;

Thence N. 65° 17' W. 128.00 feet to the point of beginning;

and

BE IT FURTHER RESOLVED:

That delivery of said deed be made upon delivery to the City of Austin of a deed from Abe Cohn and Violet Lipson conveying to the City of Austin for street purposes a strip four feet wide off the south portion of Lot 20 of a subdivision of the east one-half of Outlot 1 in Division "Z" of the Government Outlots adjoining the Original City of Austin as said subdivision is shown by a map or plat recorded in Book 1, page 23, of the Plat Records of Travis County, Texas.

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

Ayes: Councilmen Drake, Johnson, MacCorkle, Mayor Glass

Noes: None

Absent: Councilman Long

The Council received and read the following letter:

"July 27, 1949

Gentlemen:

On behalf of Travis Post No. 76, American Legion, I wish to express our appreciation of the use of Zilker Park for our regular annual July 4th celebration. We are especially under great obligation to Beverly Sheffield and Joe Prowse of the City Recreation Department for the cooperation they gave us in putting on our show. Their efforts contributed very materially to its success.

Travis Post No. 76 also wishes to express their appreciation for the fine manner in which the police handled the traffic and other matters in connection with our celebration as well as the members of the Austin Fire Department.

Yours very truly,

TRAVIS POST NO. 76, AMERICAN LEGION

/s/
Adolph Hohertz, Commander"

Councilman Drake offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the property hereinafter described was acquired by the City of Austin for the purpose of constructing thereon and therein a drainage ditch; and

WHEREAS, no drainage ditch has been constructed on such property and it now appears that the construction of such a ditch on such property is not desirable; 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 sell for \$2,500.00 the following described tract of parcel of land upon such terms and conditions as he may deem expedient:

A tract of land twenty (20) feet in width contiguous to the south right of way line of East 7th Street in the City of Austin, Travis County, Texas, extending from the east property line of Allen Street to the west property line of Gunter Street in said City.

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

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

Councilman Drake offered the following resolution and moved its adoption:

(RESOLUTION)

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 purchase for \$1,250.00 the remaining portions of the fifty (50) foot right of way for Hidalgo Street, from the east property line of Allen Street to the west property line of Gunter Street in the City of Austin, according to plans therefor prepared by the City of Austin, such property to be used for the construction of a street, and for the construction of a drainage ditch to be substituted for the drainage ditch along the south right of way line of East 7th Street from Allen Street to Gunter Street, which was heretofore proposed.

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

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

Councilman MacCorkle 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 "Sun Terrace Subdivision" approved by the City Plan Commission of the City of Austin on July 14, 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.

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

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

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

JOE LUCAS	501-517 E. 1st	From "C-1" Commercial To "C-2" Commercial
M. K. HAGE	93-97 East Avenue	From "A" Residential To "C" Commercial
JACK SPARKS, for J. NOVY	5301-15 Evans	From "A" Residential To "C" Commercial
ARTHUR J. SEPEDA	1110 E. 11th	From "C-1" Commercial To "C-2" Commercial

The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Johnson, MacCorkle, Mayor Glass

Noes: None

Absent: Councilman Long

The following applications for changes in zoning, after having been considered by the Zoning Board of Adjustment and recommendation received, were advertised for public hearing this date at 2:30 P.M.:

HORACE SHELTON, For		
PAUL O. SIMMS		From "A" Residential
E. M. FRANKS &		To "C" Commercial
JOHN ROY JOHNSON	1903-13 Anita Drive	RECOMMENDED by the Zoning Board

Mr. Horace Shelton appeared representing the applicants, stating they had amended their petition to include a community center, which was needed, as there were fifty-four houses being constructed. Councilman MacCorkle moved that since there was no opposition and since the Zoning Board had recommended this change, that the recommendation of the Zoning Board be upheld and the request granted. The motion, duly seconded carried by the following vote:

Ayes: Councilmen Drake, Johnson, MacCorkle, Mayor Glass

Noes: None

Absent: Councilman Long

JOHN S. RUSH	801-821 Clayton Lane	From "A" Residential To "C" Commercial
		RECOMMENDED BY THE ZONING BOARD

Councilman MacCorkle moved that since there was no opposition, and since the Zoning Board had recommended this change, that the recommendation of the Zoning Board be upheld and the request granted.

The motion duly seconded carried by the following vote:
 Ayes: Councilmen Drake, Johnson, MacCorkle, Mayor Glass
 Noes: None
 Absent: Councilman Long

SAM SILVERSTEIN	1613 East Avenue	From "C" Commercial
		To "C-2" Commercial
		NOT Recommended

MR. J. F. HARE appeared before the Council and stated that the attorney for Mr. Silverstein was out of the city and could not attend this meeting, and asked that this hearing be re-set. Mr. Paul Holt, representing the opposition stated he was agreeable to a resetting. The Council decided to reset this for a public hearing, the date to be stated later.

L. L. McCANDLESS	1. N.270', Blk. G	From "C" Commercial
		To "C-2" Commercial
		RECOMMENDED by the Zoning Board of Adjustment
(Withdrawn)	2. S. 210', N.485' of Blk.G, 5900-6000' Block Burnet Highway	From "C" Commercial
		To "C-1" Commercial
		Not recommended by the Zoning Board of Adjustment.

MR. HERMAN JONES appeared representing the applicant. He withdrew the second part of the request, that part which was not recommended by the Zoning Board and appeared before the Council in the interest of the north 270' of Block G, from "C" Commercial to "C-2" Commercial which was recommended, and which part covered only the space leased to the BIG BEAR GROCERY which wanted to sell beer for off-site consumption. CLAUDE WILD appeared representing the owners in the subdivision in back of this property, stating a community center was to serve the community, and this community was definitely opposed to the sale of beer, was a community of young people just starting their homes and families, and as they were so opposed to this change of zone, that was proof there was no demand in this community center. MR. LEMUEL HALL appeared in opposition, stating this location was across the school, near the church, and that the Big Bear in Taylor was selling package liquor, and this zone would give this store the same privilege. He submitted a petition with 72 signatures in opposition, and also a petition from the Methodist Church. Vigorous opposition was expressed by C. L. HOCKER, MRS. E. W. ELLIS, MRS. JOSEPH A. MORGAN, JAMES PATTERSON, A. P. LITTLE, H. S. REYNOLDS, and others, stating they would like to see the zone left as it was understood at the time they bought their homes; that this change of zone could be later used to attract a bad element in that section; that the people in the county had been before the Commissioners' Court in the past asking that the sale of liquors not be allowed, and the Commissioners' Court had denied the sale of liquors in that area before it was taken into the city. MR. T. N. PORTER, AUSTIN PUBLIC SCHOOLS, appeared to register opposition to the change as this was across the street from the school.

Councilman Drake moved that the recommendation of the Zoning Board of Adjustment be upheld and the change granted. The motion did not carry by the following vote:

Ayes: Councilman Drake

Noes: Councilmen Johnson, MacCorkle, Mayor Glass

Absent: Councilman Long

The Mayor stated that the motion did not carry and the requested change was NOT GRANTED.

Councilman MacCorkle moved that the following Taxi Operator Licenses, duly recommended by the City Manager, be granted:

DRENON F. SAMUEL

1500 Newning

1949 Oldsmobile Sedan, License KK 9194

Motor 8.A-22435

and

1948 Chevrolet 4-Door Sedan, Motor FAC
250912, License FL 5116

WILLIAM ASTOR KIRK

904 Chicon Street

1941 Ford, Tudor Sedan, Motor No.

6076571, License No. KL 8132

The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, MacCorkle, Mayor Glass

Noes: None

Absent: Councilman Long

Councilman MacCorkle moved that the following taxi driver license, duly recommended by the City Manager, be granted:

RAY EDGAR BOUSE

1107 East 1st Street

The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, MacCorkle, Mayor Glass

Noes: None

Absent: Councilman Long

Councilman Drake moved that the following Retail Dealers "On Premise" Beer License, duly recommended by the City Manager, be granted:

THE SHANTY, A. W. VOGELPOHL AND

D. C. FLENNIKEN

510 East First Street

The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Johnson, MacCorkle, Mayor Glass

Noes: None

Absent: Councilman Long

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

LONGHORN WAFFLE SHOP, Morrin M. Scott 609 Congress

The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Johnson, MacCorkle, Mayor Glass

Noes: None

Absent: Councilman Long

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

APPROVED

Taylor Glass
Mayor

ATTEST:

Elise Hoosley
City Clerk