

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

August 25, 1949
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Glass presiding:

Roll Call:

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

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

The minutes of the previous meeting were read, and upon motion, duly seconded, were approved.

MR. D. K. BRACE was the spokesman for a small group of people in the vicinity of Lamar Boulevard and 19th, and submitted the following petition with approximately 90 signatures:

"We, the undersigned citizens of Austin, Texas, respectfully request the Honorable City Council of Austin not to lease the park area at 19th Street and Lamar Boulevard to Polio, Inc.

We believe that it is essential to keep this area open for park purposes. The City property along Shoal Creek is a connecting link between the Caswell Tennis Court area and the presently developed area of Pease Park.

We believe that time has proved the wisdom of former City Councils of Austin in establishing and holding park areas as the City develops. Although the cause of Polio, Inc., is worthy beyond mention, other more appropriate cites can be found; and Pease Park can be maintained to serve thousands of Austin citizens now and in the future.

We sincerely believe that all of Austin will best be served by maintaining this natural park area, and generations to come will be forever grateful for the foresight in planning for their future."

It was brought out in the general discussion that this particular area was not suitable for play area, and that Polio, Inc., intended to have recreation as a part of this project. MR. MURRAY GRAHAM spoke saying Polio, Inc., was not asking the City for one thing, that it had its land and money; that the People in Brykerwoods wanted their land for a park, and Polio, Inc., had tried to find another location. He stated that polio patients, having recovered, needed recreation, and this was to be a recreation and rehabilitation center. He brought out that this land was not a part of Pease Park, but bought out of the Vance Property, and that this site was across the street from the Medical Center, doctors' clinics, and it should be a nice location for Polio, Inc. One of the representatives of Polio, Inc., stated if the citizens of Austin did not want it, they would turn their energies elsewhere. CARL HARDIN, as Secretary, submitted the following:

"As Secretary of Polio, Inc., and as a personal friend of the anonymous donor, I have this day returned the \$60,000.00 gift to the donor because Polio, Inc., is unable to accomplish the purposes for which the gift was made. I wish to point out that these funds were given freely and were not placed upon the basis that such amount be matched by local citizens.

"The members of this organization will continue to work for the betterment of the community and will not cease its activities in attempting to eradicate the dread disease, infantile paralysis. The citizens of Austin are the losers."

The Mayor stated that the people of Austin ought to match this amount and buy them a piece of land for this building for the children, and he expressed his regrets that people did not work with the good causes.

MR. W. W. BENNETT came before the Council, submitting a petition signed by approximately 140 persons, asking that he be authorized and permitted to enlarge his boat docks so that the citizenship of that area could be better served; and also submitting definite plans for his boat dock. MR. BENNETT stated he had to turn away from 75 to 100 people. The City Attorney stated that a certain part of this property was city property. Councilman Drake moved that the City Manager refer this matter to the Building Inspector and the Engineering Department, to work out somekind of an agreement or amendment to the ordinance if necessary; but if this is on city land, that the city could require that it be kept in first class shape. The motion carried by the following vote:

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

MR. KINSER came before the Council submitting a map showing a location he would like to lease from the City for a pitch and putt golf course, stating that this property would not be desirable for commercial development, but for his proposal would be excellent. The City Manager stated it would be the City furnishing property for private enterprise, and this property would be tied up for five years with a five year option, at \$150.00 a month; that the improvements would revert to the City similar to the arrangement with Mr. Knebel. He stated Mr. Kinser was interested in this piece of land because he was unable to locate

other property that would be suitable except commercial property, which would cost more to lease. Councilman Drake thought perhaps this proposal would benefit quite a number in a recreational way. Councilman Johnson moved that the City Manager look into this and have a recommendation for the Council by the next meeting, September 1st. The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

MR. WHEELER appeared before the Council representing LORENZO DAVIS and CORA WASHINGTON, 1305 Rosewood Avenue, in regard to a drainage situation, stating the drain stops just to the rear of their house and has undermined it. They put concrete under the house, but not it too is being undermined. They would like to have this drainage fixed now; and if it is fixed, they will waive any damages. Mr. Wheeler stated that before the City constructed the culvert, the natural drain took care of the water, but now the water stays on his property and gets stagnant; and after a rain, his house is flooded. This matter was referred to the City Manager to instruct the Engineering Department to look into this and investigate the problem.

Councilman Johnson moved that the City Manager handle the granting of beer and liquor licenses, continuing the present practice of obtaining inspection and approval of all such applications by the Building Inspector, Police Chief, City Attorney, Health Officer and Tax Collector; and in cases where applicant is turned down, appeal can be made to the City Council. The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

The Mayor stated that JOE DACY and R. B. YOUNG from the AMERICAN LEGION, would like to trade the five acres of land at the American Legion for the tract of land on Lamar Boulevard. They suggested between \$25,000 to \$30,000 for the building, and trade the land even. The Mayor thought this would be an asset to Deep Eddy, and the City Manager stated more picnic grounds were needed at Deep Eddy. This was only discussed generally, and no action was taken.

Councilman Drake moved that a public hearing on the sale of 400 acres of the western portion of the Metropolitan Park for \$46,500 to the Austin Area Economic Development Foundation, be set for 10:00 A.M. at the Council's meeting on September 1, 1949. The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

Councilman Drake 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 Gladys Bowman, a widow; Jack T. Bowman and wife, Ruth McLean Bowman; William G. Bowman, a single man; and Robert H. Bowman and wife, Mary Ann Lewis Bowman, for the laying of certain water mains and other pipes in Bowman Place, Section 1, 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 Johnson, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the final plat of the subdivision known as "Bowman Place, Section 1, approved by the City Plan Commission of the City of Austin on August 11, 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 resolution, duly seconded by Councilman Long, carried by the following vote:

Ayes: Councilman Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

Councilman Drake offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City of Austin owns a certain tract of land consisting of 0.405 acres of land, hereinafter more fully described, located west of Lamar

Boulevard and south of West Third Street in the City of Austin; and

WHEREAS, said tract of land has never been dedicated or used for any specific public purpose; and

WHEREAS, Guy A. Thompson, Trustee in Bankruptcy, International-Great Northern Railroad Company, Debtor, has requested an easement under the terms of which said railroad company may use said tract of land and maintain the same for purposes of beautification and landscaping and as the site for an approved type sign in connection with operation of the company's new passenger station facilities located on West Third Street in the City of Austin; 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 in behalf of the City of Austin to enter into a lease and easement agreement with Guy A. Thompson, Trustee in Bankruptcy, International-Great Northern Railroad Company, Debtor, providing for the use of the following described tract or parcel of land by the said railroad company for the purpose of maintaining an improved and landscaped parkway at and near the entrance to the railroad company's new passenger station on West Third Street (subject to termination of said lease and agreement by either party within ninety (90) days' notice in writing to the other party) and with the right in the railroad company to maintain an approved type sign for the information and guidance of the public, said tract of land being more fully described as follows:

5506 square feet of land, being out of and a part of that certain 0.405 of one acre tract of land out of Lot 2 of Block 8 of Raymond Plateau, a subdivision of Outlot 11, Division 2, 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, at page 30, of the Plat Records of Travis County, Texas, which was conveyed to the City of Austin by instrument dated January 28, 1941, of record in Volume 677, pages 68 to 76, inclusive, of the Deed Records of Travis County, Texas, and which 5506 square feet of land is more particularly described by metes and bounds as follows:

BEGINNING at the point of intersection of the west right of way line of Lamar Boulevard with the south line of West 3rd Street;

THENCE with the south line of West 3rd Street, S. 65°10' E. 65.16 feet to a point;

THENCE following a line 13.00 feet westerly from and parallel to the west curb line of Lamar Boulevard, S. 20°47' W. 84.70 feet to a point;

THENCE N 65°10' W. 65.16 feet to a point in the west right of way line of Lamar Boulevard.

THENCE with the west right of way line of Lamar Boulevard, N. 20°47' E. 84.7 feet to the point of beginning.

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

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

Councilman Johnson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, J. M. Odom is the Contractor for the erection of a building located at 110 East Monroe Street and desires a portion of the sidewalk and street space abutting Lot 7, Block 18, of the Original City of Austin, Travis County, Texas, during the erection of the building, such space to be used in the work and for the storage of materials therefor; therefore

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

1. THAT space for the uses hereinabove enumerated be granted to said J. M. Odom, the boundary of which is described as follows:

Sidewalk and Street Working Space

Beginning at the southwest corner of the above described property; thence in a southerly direction and at right angles to the centerline of East Monroe Street to a point 12 feet south of the north curb line; thence in an easterly direction and parallel with the centerline of East Monroe Street approximately 60 feet to a point; thence in a northerly direction and at right angles to the centerline of East Monroe Street to the south line of the above described property.

2. THAT the above privileges and allotment of space are granted to the said J. M. Odom, hereinafter termed "Contractor", upon the following express terms and conditions:

(1). That the Contractor shall construct a guard rail within the boundary line along the west, south and east lines of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

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

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

(4). That "No Parking" signs shall be placed on the street side of the barricades and further that no parking will be permitted on the south side of East Monroe Street from South Congress Avenue to Nickerson Street.

(5). That the Contractor is permitted to construct a temporary work office within such allotted working space, provided such work office is not within 25 feet of any corner street intersection.

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

(7). That provisions shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(8). That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(9). That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk or street has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment and other obstructions shall be removed not later than April 1, 1950.

(10). That the City reserves the right to revoke at any time any and all the privileges herein granted or to require the erection or installation of additional barriers or safeguards if the conditions demand it.

(11). That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(12). That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(13). That the Contractor shall furnish the City of Austin a surety bond in the sum of Five Thousand Dollars (\$5,000.00), which shall protect, indemnify and hold harmless the City of Austin from any claims or damages to any person or property that may accrue to or be brought by any person by reason of the exercise or abuse of the privileges granted the Contractor by the City of Austin and shall guarantee the replacement of all sidewalks, pavement and all other public property and public utilities disturbed or removed during the construction work and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

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

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Southern Union Gas 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 Southern Union Gas 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 CHERRYWOOD ROAD, from Manor Road northerly 102 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 CHERRYWOOD ROAD.

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

(2) A gas main in RIDGE OAK DRIVE, from a point 55 feet south of the north property line of Crestview Drive northerly 273 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet east of and parallel to the west property line of said RIDGE OAK DRIVE.

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

(3) A gas main in RIDGE OAK DRIVE, from Westview Drive northerly 389 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet east of and parallel to the west property line of said RIDGE OAK DRIVE.

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

(4) A gas main in WEST 10th STREET, from Center Street easterly 280 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 WEST 10th STREET.

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

(5) A gas main in CHESTNUT AVENUE, from a point 175 feet south of East 19th Street southerly 60 feet, the centerline of which gas main shall be 12 feet west of and parallel to the east property line of said CHESTNUT AVENUE.

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

(6) A gas main in CHERRYWOOD ROAD, from a point 401 feet south of East 32nd Street southerly 86 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 CHERRYWOOD ROAD.

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

(7) A gas main in BAYLOR STREET, from a point 35 feet north of West 3rd Street southerly to West 3rd Street, the centerline of which gas main shall be 19 feet east of and parallel to the west property line of said BAYLOR STREET.

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

(8) A gas main in CHERRYWOOD ROAD, from a point 88 feet south of Edgewood Avenue northerly 60 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 CHERRYWOOD ROAD.

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

The Southern Union Gas 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 Southern Union Gas 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 Southern Union Gas 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, duly seconded by Councilman Johnson, carried by the following vote:

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

Councilman Long offered the following resolution and moved its adoption:

(RESOLUTION)

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 underground telephone conduit in the following streets:

(1) An underground telephone conduit in HAWTHORNE STREET, from a point 5 feet north of centerline of Hawthorne Street and 12 feet west of the east property line of East Avenue northeasterly to a point 18 feet north of centerline of Hawthorne Street and 22 feet east of east property line of East Avenue.

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 underground telephone conduit has 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, duly seconded by Councilman Johnson, carried by the following vote:

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

Councilman Long introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE REGULATING THE OPERATION OF TAXICABS AND TAXICAB DRIVERS IN THE CITY OF AUSTIN UNDER THE DIRECTOR OF PUBLIC SAFETY; PRESCRIBING LICENSE FEES FOR TAXICABS AND DRIVERS THEREOF; LICENSING AND REGULATING TAXICAB TERMINAL OPERATORS; PRESCRIBING PENALTIES FOR VIOLATION OF THE ORDINANCE; PROVIDING A SAVING CLAUSE; REPEALING CONFLICTING ORDINANCES, EXCEPTING CERTAIN JITNEY ORDINANCES; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL DECEMBER 15, 1938, AND IS RECORDED IN BOOK "K", PAGES 440-452, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY ADDING A NEW SECTION AND DESIGNATED SECTION 22-A; PROVIDING FOR THE ISSUANCE OF PERMITS OR LICENSES UNDER THIS ORDINANCE BY THE CITY TAX ASSESSOR AND COLLECTOR UPON COMPLIANCE BY THE APPLICANT WITH THE FULL TERMS OF THE ORDINANCE AND PROVIDED CERTAIN OTHER CONDITIONS ARE MET, WHICH ARE MORE FULLY SET OUT IN THE AMENDMENT; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

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

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

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

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

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

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

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

Councilman Johnson moved that the following applications for Taxi Drivers permits, duly recommended by the City Manager, be granted:

HAROLD EUGENE POTTER	1504 North Congress
MELVIN ELMER JOHNSON	72 Chicon

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

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

Councilman Long moved that the following applications for Taxi Drivers' permits, upon the recommendation of the City Manager, be granted 90-day probation permits; with the provision each report to the Chief of Police weekly:

RONNELL CALVIN HURRY	3705 All Avenue
RICHARD LORENZO LUNDAY	1913 Holly Street

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

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

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

WILLIAM POLK (Colored) 2400 East 12th Street, Chevrolet, 4-door
Fleet Master, 1947, KL 8101 EAA 239465

MELVIN M. STEVENSON 110 East Johanna, Chevrolet, 4-door Sedan,
1948, Motor No. FAC 241903, License KL 2656

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

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

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

MAURICE JOYNER, MARIE'S TEA ROOM NO. 2 412 East 6th Street

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

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

The City Manager presented the recommendation from the Chief of Police that the drivers license of ENOCH SYLVESTER HINTON be revoked due to his arrest for Driving while intoxicated. Councilman Long moved that the license of ENOCH SYLVESTER HINTON be revoked. The motion, duly seconded, carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

ALFRED ARNOLD came before the Council with the request that his application to drive a taxi-cab be reconsidered the third time. In view of his record, Councilman Drake moved that his application be denied again, and that it not be reconsidered for at least a year. The motion carried by the following vote:

Ayes: Councilmen Drake, Johnson, Long, Mayor Glass

Noes: None

Absent: Councilman MacCorkle

The following requests for changes of zoning, after having been considered by the Zoning Board of Adjustment, were advertised for public hearing this date at 2:30:

RONALD A. WEAVER, Lessee
FRANK DEL CURTO, Owner

2304 Fredericksburg Rd.

From "C" Commercial
To "C-1" Commercial
NOT Recommended by the
Zoning Board of Adjustment

MR. HERBERT SMART appeared representing Ronald Weaver in his request, and ask that the Council grant this change so that Mr. Weaver could sell beer with meals in his coffee shop, as the coffee shop was unable to keep open without the sale of beer. Vigorous opposition to the sale of beer in this neighborhood was expressed by REV. COLE, NEWCOMB ALEXANDER, F. W. KING, DAVE KIRK, MRS. JACOB BAUERLE, MRS. C. V. ADDCOX, and others. It was brought out the Zoning Board felt this was create a spot "C-1" Commercial zone for the benefit of one person and not in response to any public demand or necessity, but to the detriment of adjacent property as evidenced by opposition expressed. Councilman Long moved that the recommendation of the zoning Board be upheld and the change NOT GRANTED. The motion, duly seconded, carried by the following vote:

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

SAM SILVERSTEIN

1613 East Avenue

From "C" Commercial
To "C-2" Commercial
NOT Recommended by the
Zoning Board of Adjustment.

Several people appeared in opposition to this change, and letters were written from representatives of the University of Texas in opposition. The Zoning Board did not recommend this change. Councilman Long moved that the recommendation of the Zoning Board be followed and the change NOT GRANTED. The motion duly seconded carried by the following vote:

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

A very brief discussion on the zoning ordinance was held. The City Attorney stated that the only body authorized to hold a public hearing was the City Council, and that is required by State Law, and there was nothing the Council could delegate to the Zoning Board or anyone else. The Zoning Board was set up by the Council for fact finding and as an advisory board, and that all zoning changes must be in keeping with a general plan. He stated a study was being made of the whole city to see how property was actually being used; and when this was complete, the Council might want to reconsider zoning all over town. The City Attorney stated it was considered delegating authority to practice yielding to neighbors' views constantly on zoning matters.

There being no other business before the Council, and upon motion, duly seconded and carried, the Council adjourned subject to call of the Mayor.

APPROVED

O. Taylor *B. Lee*
Mayor

ATTEST

Elaine Woosley
Acting City Clerk