

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

February 25, 1954  
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor McAden presiding.

## Roll Call:

Present: Councilmen Long, Pearson, Thompson, White, Mayor McAden  
Absent: None

Present also: W. E. Seaholm, City Manager, W. T. Williams, Jr., City Attorney; C. G. Levander, Director of Public Works.

Invocation was delivered by REV. A. L. DENNIS, First Church of the Nazarine.

Councilman White moved that the Minutes of February 18th be approved. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden  
Noes: None

MR. DAVID WILSON, JR. Chamber of Commerce, having noted the vandalism that has been occurring, and having annumber of members who have been affected by this vandalism, appeared before the Council to offer the help of the Jaycees in giving moral support and man power. MR. EDDIE SIMMONS, member of the Jaycees, suggested increased police patrolling, and stated his group would be willing to provide money to help eliminate this vandalism, as his group of car dealers had been hard hit. Councilman Long believed the city should take the lead in trying to do something constructive and suggested having a meeting of parents, Recreation Department, Schools, and other agencies interested in children, as the Jaycees, Y.W.C.A., Y.M.C.A. and private individuals interested; and out of this meeting select a committee to put the suggestions into effect. She suggested keeping the shops open in the school, and letting the youngsters work in the shops. She made a motion that the Council set a time in the very near future to call this meeting together as she suggested. Councilman White was not sure that the teenagers were concerned in this matter, and he felt if the different organizations, and the general public would work with the city, it could be determined whether or not it was the young people doing all the damage. He did not want to condemn the teenagers. He thought it would be better if theyones

causing the trouble could be caught, and then it could be determined what to do from there. The Mayor believed this situation to be city-wide and he thought well of having a meeting to work out a solution. Councilman Pearson wanted to get the facts from the law-enforcement officers and meet with them before having this meeting, as all he had was what he had heard over the radio and newspapers. MRS. MAUDE PRIDGEON suggested a curfew. MRS. TRUDY JARRELL, mother of a Counsellor, noted a trend of parents' teaching their children they were better than others, and that some unfortunate children were being shunned and left out of the crowds. MRS. SHALLENE, P.T.A. offered the aid of the P.T.A., and noted the people that should be reached would not come out to the meetings. She suggested having representatives from the young people themselves. The Mayor called a meeting at the Public Library tentatively for March 3rd at 8:00. Councilman Thompson stated his respect for children and their ability to evaluate any situation in a clear and honest manner; that the publicity given to this situation recently has left the impression that the children in Austin were a bunch of vandals, which was not true; and before turning the town wrong-side-out and stirring this thing up further, he suggested taking this problem more slowly and deliberately and find out who is doing the vandalism and do something about it with law enforcement. He suggested that the Council meet; and as it seemed it was a police problem and the police had been unable so far to cope with it, the responsibility went on to the administration and finally on to the Council, and he suggested having the Council meeting. He doubted if the situation were as bad as it were built up to be. MR. ELMER DENSON did not believe the Police handled juvenile situations correctly. COUNCILMAN PEARSON again stated the Council did not have the facts, and he would like to meet with the Chief of Police and find out the facts and approach from there. Councilman White agreed. Councilman Long again suggested meeting with various organizations. Councilman Thompson believed there was this problem concerning a very few, and no use to mix it with a meeting to discuss youths. He noted the Recreation Department was doing a tremendously good job. He believed in finding out who is responsible for doing the vandalism and not having a big meeting to discuss recreation and youth problems. The Mayor stated the Council would discuss this matter with the law enforcement officers and see what could be accomplished; and in the meantime this March 3rd date was a tentative date for a meeting.

The Council had before it for consideration the application of MR. & MRS. L. D. WARREN for permission to operate a convalescent home at 1207 Trinity Street. Councilman Thompson stated he had inspected this and it was his attitude that the Fire Department needs to very carefully supervise the continued construction to see that it is built to the highest degree possible to avoid a fire hazard. He asked that the permit actually not be issued until the Fire Department is completely satisfied. Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Mr. and Mrs. L. D. Warren has made application in writing for permission to operate a convalescent home, complying with all City and State regulations on the south 46 feet of Lot 8, Block 145, Original City, in the City of Austin, Travis County, Texas, and locally known as 1207 Trinity Street, which property is located in a "B" Residence District and under Section #5, Item #6 of the Zoning Ordinance requires a special permit from the City Court; and

WHEREAS, this application has been considered and approved by the City

council of the City of Austin, therefore

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

THAT permission for the use and maintenance of the above described property as a convalescent home be granted to Mr. and Mrs. L. D. Warren.

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Pearson, Thompson\*, White, Mayor McAden

Noes: Councilman Long

\*Councilman Thompson voted for the motion with reservation that the permit would not be effective until the Fire Department had checked the improvements that had been made.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Joe T. Gilbert, M. D. has made application in writing for permission to operate a doctor's clinic for human being only on 105x210' unplatted Grace Thiele Tract, Outlot 22, Division C, in the City of Austin, Travis County, Texas, the same being on the north side of East 32nd Street and locally known as 920 East 32nd Street, which property is located in a "B" Residence District and requires a special permit from the City Council; and

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

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

THAT permission for the operation and maintenance of a doctor's clinic for human beings only be granted to Joe T. Gilbert, M. D., with the following conditions:

(1). That this clinic be used in the general practice of medicine and that no mental or psychiatric patients be housed in such clinic.

(2). That all regulations required in this zone and all building code provisions be complied with in the operation and maintenance of such building.

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Pearson\*\*, White, Mayor McAden

Noes: Councilmen Long\*, Thompson\*\*\*

\*Councilman Long made the following statement regarding her vote:

"In view of the fact that we do not have more detailed plans for the rear, and I can see if it is not properly planned back there, that property will be devalued, and I am going to vote 'no'."

\*\*Councilman Pearson made the following statement regarding his vote:

"I think this would be more desirable for the location

than other things that can be built there under the "B" Zone, so I am going to vote 'aye'."

\*\*\*Councilman Thompson made the following statement regarding his vote:

"I am going to have to vote in opposition to this because of the effect it will have on the property right behind it. The people have bought not expensive homes, and certainly not inexpensive homes in that area by the college, and it is my opinion that this is going to have a devaluation effect on that property, so I have to vote 'no'."

The Mayor announced that the permit had been granted.

Councilman Pearson offered the following resolution and moved its adoption:

(RESOLUTION)

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

That W. E. Seaholm, City Manager, be and he is hereby authorized and directed to execute a release of the paving lien on the North one-half (1/2) of Lot 8, Block 169, City of Austin, Travis County, Texas, in consideration of the full payment of such paving assessment against such property by Philip Hauke, the apparent owner.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

Mayor McAden 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 ESTABLISHING THE BOUNDARIES FOR VARIOUS ORIGINAL USE DISTRICTS AND HEIGHT AND AREA DISTRICTS, IN AN AREA ANNEXED TO THE CITY OF AUSTIN ON DECEMBER 20, 1951; ORDERING A CHANGE IN THE USE AND HEIGHT AND AREA MAPS SO AS TO RECORD SUCH DISTRICTS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

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

Ayes: Councilmen Long, Pearson, White, Mayor McAden  
Noes: Councilman Thompson

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

Ayes: Councilmen Long, Pearson, White, Mayor McAden  
Noes: Councilman Thompson

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

Ayes: Councilmen Long, Pearson, White, Mayor McAden  
Noes: Councilman Thompson

The Mayor announced the ordinance had been finally passed.

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 City Manager be and he is hereby authorized and directed to enter into a contract on behalf of the City of Austin with Dr. David Wade in accordance with the terms and provisions of a certain contract, copy of which is attached to this Resolution, and marked by the City Clerk for purposes of identification, and the City Clerk is hereby directed to file for permanent record in the office of the City Clerk the attached copy of said contract without recordation in the Minutes of the City Council. (On File Under SEWERS - Sanitary File No. )

The motion, seconded by Councilman White, carried by the following vote:  
Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden  
Noes: None

Councilman White 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 TONKAWA TRAIL, from a point 203 feet north of West 38th Street, southerly 60 feet,

the centerline of which gas main shall be 7.5 feet west of and parallel to the east property line of said TONKAWA TRAIL.

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

(2) A gas main in TAYLOR-GAINES STREET, from Summit Street, easterly 116 feet, the centerline of which gas main shall be 6.5 feet south of and parallel to the north property line of said TAYLOR-GAINES STREET.

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.

The motion, seconded by Councilman Thompson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

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 City Council of the City of Austin hereby approves the erection of a boat house on the property owned by Geo. F. Bohuslav, D.D.S., the same being the northwest side of Lot 36, Tarrytown River Oaks Subdivision, Section #2, as listed in the Travis County Deed Records, and hereby authorizes the same Geo. F. Bohuslav, D.D.S. to construct, maintain and operate this boat house subject to same being constructed in compliance with all the ordinances

relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this boat house after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said Geo. F. Bohuslav, D.D.S. has failed and refused and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"February 25, 1954.

"Mr. Walter E. Seaholm  
City Manager  
Austin, Texas

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application of Geo. F. Bohuslav, D.D.S., owner of a piece of property located upstream from the westerly extension of the south line of Windsor Road, the same being the northwest side of Lot 36, Tarrytown River Oaks Subdivision, Section #2, as listed in the Travis County Deed Records, for permission to construct and maintain a boat house projecting out into the lake approximately 28 feet beyond the normal high water level. The construction details meeting all requirements, I therefore recommend that if Geo. F. Bohuslav, D.D.S., is granted his request by the City Council, that it be subject to the following conditions:

"(1). That nothing but creosoted piles, cedar piles or concrete piles, substantially braced to withstand wind and water pressure, be used in the construction and that no structure shall be nearer than ten feet to any side property line of the owner or applicant.

"(2). That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except maring supplies and tackle, and no living quarters of any character, shall be erected on any pier, dock, wharf, float, island, piling or other structure extending into or above Lake Austin.

"(3). That every structure shall be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"(4). That all structures extending out into the Lake be constantly kept in a state of good repair and that the premises be kept reasonably clean at all times.

"Respectfully submitted,  
(S) J. C. Eckert  
Building Inspector"

The motion, seconded by Councilman Pearson, carried by the following vote:  
Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden  
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 City Council of the City of Austin hereby approves the erection of a boat dock on the property owned by Joe D. Cope, the same being the west 100x229.5 feet of Lot 30, of the Lake Side Addition, as listed in the Travis County Deed Records, and hereby authorizes the said Joe D. Cope to construct, maintain and operate this boat dock subject to same being constructed in compliance with all the ordinances relating thereto and further subject to the foregoing attached recommendations; and the Building Inspector is hereby authorized to issue an occupancy permit for the erection of this boat dock after full compliance with all the provisions of this resolution. Said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper police, fire and health regulations and the right of revocation is retained if, after hearing, it is found by the City Council that the said Joe D. Cope has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached)

"February 25, 1954

"Mr. Walter E. Seaholm  
City Manager  
Austin, Texas

"Dear Sir:

"I, the undersigned, have reviewed the plans and have considered the application of Joe D. Cope, owner of a piece of property located upstream from the westerly extension of the south line of Windsor Road, the same being the west 100x229.5 feet of Lot 30, of the Lake Side Addition, as listed in the Travis County Deed Records, for permission to construct and maintain a boat dock projecting out into the lake approximately 23 feet beyond the normal high water level. The construction details meeting all requirements, I therefore recommend that if Joe D. Cope is granted his request by the City Council, that it be subject to the following conditions:

"(1). That nothing but creosoted piles, cedar piles or concrete piles, substantially braced to withstand wind and water pressure, be used in the construction and that no structure shall be nearer than ten feet to any side property line of the owner of applicant.

"(2). That no business, such as a restaurant, dance hall, concession stand, or any other enterprise for the sale of goods, wares and merchandise, except marling supplies and tackle, and no living quarters of any character, shall be erected on any pier, dock, wharf, float, island, piling or other structure extending into or above Lake Austin.

"(3). That every structure shall be equipped with proper lights which show all around the horizon for night use and shall be equipped with flags or other warnings for daylight use.

"(4). That all structures extending out into the Lake be constantly kept in a



state of good repair and that the premises be kept reasonably clean at all times.

"Respectfully submitted,  
(S) J. C. Eckert  
Building Inspector"

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden  
Noes: None

The City Manager presented a matter pertaining to the drainage situation off of Bull Creek Road particularly 4911 Finley Drive, where a builder built a carport over an easement; and the owner could never get a clear title as long as this existed. He recommended filing a suit against all concerned or any other action to get the carport removed. Councilmen Long and Thompson inquired as to why a building permit was issued to permit a building over an easement. It was explained that this carport was added later no doubt; and the City Attorney explained the Building Inspector checked on the setbacks. Councilman White and the Mayor stated consideration should be given to increasing the personnel in Building Inspector's Office. Councilman Thompson offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the carport attached to the house located at what is commonly known as 4911 Finley Drive presently extends five feet onto a drainage easement, ten feet in width along the north line of said lot; and,

WHEREAS, the development of property in the neighborhood has necessitated the opening of adequate drainage facilities to serve the entire neighborhood;  
Now, Therefore,

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

That W. E. Seaholm, City Manager be and he is hereby authorized and directed to file or cause to be filed against all owners, lienholders and claimants, a suit to compel the removal of the structure located within the drainage easement on Lot 2, Block E, Fiset Place as dedicated on a map or plat of a Resubdivision of Block B and a portion of Block D and Block E of Fiset Place, of record in Book 5, page 137, Plat Records of Travis County, Texas, and for any other relief to which the City of Austin is entitled; and

BE IT FURTHER RESOLVED:

That W. E. Seaholm, City Manager be and he is hereby authorized and directed to take any other action necessary to the opening of the adequate drainage facilities for said neighborhood.

The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Pearson\*, Thompson, White, Mayor McAden  
Noes: Councilman Long

\*Councilman Pearson made the following statement regarding his vote:

"I understand the suit is going against actually the builder, even though it includes both of them, but the

suit is arranged to protect the buyer of the property and clear up the title; and before he can get a clear title, the builder will have to put in a concrete drainage pipe across that lot, and the owners of the property will be protected in the suit."

The City Attorney explained this.

Councilman Pearson suggested hearing the people who had matters on the agenda before others were heard who were not on the agenda. After discussion, Councilman Thompson moved that the Council would first hear those people who are interested in matters on the Agenda and then hear all other people before remaining matters are taken up; and that people who are seeking to be heard by this Council be heard in the order in which their application to be heard is received by the City Clerk. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Pearson, Thompson, Mayor McAden  
Noes: Councilman White

Councilman Thompson moved that the Council meet at 9:00 A.M. instead of 10:00 A.M.; and in order to accomodate the people who have a difficult time in getting down here before 10:00 A.M., that the Council delay the handling of business that pertain to them until 10:00 A.M and that the Council dispose of some business between 9:00 and 10:00 o'clock. The motion lost for lack of a second. Councilman Pearson suggested bringing the matter up later.

Councilman Long reported a situation off of Bolm Road where in an unsubdivided area, five people were connected to a water line. The property was brought into the city limits two years ago. The first two houses are rent houses, and the other three belong to different people. All have meters, but not city meters. When the renter moves out, the rest of the people get their water cut off. The people are willing to dedicate the water pipe to the City, and they want city meters. The City Manager explained this situation as a parallel to an instance the Council had before it recently; the property was sold by metes and bounds contrary to the subdivision regulations. The policy has been, as required under state law, that the City could not serve them with water unless they subscribe to the subdivision regulations. He stated water could be provided to one meter there and it will be if they would put up a deposit. Councilman Pearson stated he had a same situation called to his attention just recently; and if one area were given the water, then these people too would come in for the same consideration. The City Manager stated when they complied with the subdivision regulations and dedicate a street through the area, they could be connected with water and meters. MR. PRATT came before the Council in his own behalf. He explained the situation. The City Manager suggested that the group put up a combination deposit so that when one moved out, the others would not be affected. Mr. Pratt inquired about a fire plug on Bolm Road. The City Manager stated at this time, on Bolm Road, a fire plug could not be installed, but they will be extending that line before long.

Pursuant to published notice thereof the following zoning applications were publicly heard:

MRS. JOE A. WUKASCH

4208 Duval

From "A" Residence

To "C" Commercial 6th Height  
and Area

RECOMMENDED by the Planning  
Commission

Mr. Eugene Wukasch appeared on behalf of this application. Mr. B. H. McGuire, 4208 Avenue H and Mr. L. M. Clifford, 4205-07 Avenue H appeared in opposition to this change. The Mayor asked that those who favored upholding the recommendation of the Plan Commission to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

The Mayor announced that the requested change had been granted and the City Attorney was instructed to draw the ordinance to cover.

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A. E. FIEDLER

4105 Manchaca Rd.

From "A" Residence

To "C" Commercial 6th Hgt.  
and area

NOT RECOMMENDED by the  
Planning Commission

Mr. A. E. Fiedler appeared on behalf of his application. Mr. Charlie Johnson, Mr. Buford Stewart, 2012 Ft View Road and Mr. Walter Whitaker, 1904 Ft. View Road also appeared for this change. Mr. Mahoney explained why it was not recommended by the Planning Commission because the right-of-way of Ft. View Road was insufficient for a street coming into this shopping area. The Council discussed the question of set back in case Ft. View Road needed to be widened and it would be to Mr. Fiedler's advantage if he would set back sufficiently to provide for this proposed widening. The Mayor asked that those who favored upholding the recommendation of the Plan Commission and denying this change to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: None

Noes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

The Mayor announced that the requested change had been granted and the City Attorney was instructed to draw the ordinance to cover.

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MRS. ARTHUR McPAUL

MRS. VELMA ROE &

BERT BAUGH

2801-05-07 East Avenue

From "A" Residence

To "C" Commercial

NOT RECOMMENDED by  
the Planning  
Commission

Mr. A. L. Davis appeared in opposition to this change and submitted a petition in protest. The Mayor asked that those who favored upholding the recommendation of the Plan Commission and denying this change to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilmen Pearson, Thompson, Mayor McAden  
Noes: Councilmen Long, White

The Mayor announced that it failed to receive a 4/5ths vote necessary to over rule the recommendation of the Plan Commission and the request was denied.

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FREDERICK EBY, JR.

2803 Cole Street &  
2800 East Avenue

From "B" Residence &  
5th Hgt. & Area  
To "C" Commercial  
& 6th Hgt. &  
Area

NOT RECOMMENDED by  
the Plan Commission  
RECOMMENDED TR & 6th  
Hgt. and Area

The Council deferred action on this zoning application so as to give people owning property adjacent to the strip of land on East Avenue which the City owns, a chance to purchase this property; and if it were an alley, that the matter be clarified. The Mayor suggested deferring this for about two weeks. (Councilman Long suggested that maps be sent to the Council members on this application.)

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WATT SCHIEFFER & MRS. MARY W. side Inter. Hwy.,  
C. SWAYNE between 39th & 41st

From "A" Residence  
To "C" Commercial  
6th Hgt & Area

NOT RECOMMENDED by  
Plan Commission  
RECOMMENDED TR 6th Hgt. & Area

WATT SCHIEFFER

3908-14 & 4000 East  
Avenue & 1013-15 &  
1016 East 40th St.

From "A" Residence  
To "C" Commercial  
6th Hgt. & Area

NOT RECOMMENDED by  
Planning Commission  
RECOMMENDED TR 6th Hgt. & Area

A. P. JOURDAN ESTATE

1014-1020 E. 38 $\frac{1}{2}$  and  
1009-15 E. 39th St.

From "A" Residence  
To "C" Commercial

NOT RECOMMENDED by  
the Plan Commission  
RECOMMENDED TR 6th Hgt. & Area

Mr. John Cofer represented about 60 people opposing these changes. He stated there were deed restrictions on all the property in this addition except

the property which is proposed to be changed. Mr. Al Lestico, 3808 East Avenue, stated he had 10 lots in this area and he favored the change to commercial because he didn't think this area was of residential nature any more. Mr. Lestico said some of his lots contained deed restrictions and some did not and that the Interregional Highway project came along after these lots were sold. Mr. C. B. Hahn favored the change because he thought the growth of the city had made this commercial property anyway. Mr. Watt Schieffer appeared in his own behalf and presented maps showing the layout of the area. The Council considered all three applications at one time. The City Attorney stated that the Council usually acts on the recommendation of the Commission first; that is not necessary but it has been custom. The recommendation in this case was to deny the applications and to recommend a change to the Transitional zone. The Council could not change to the Transitional Zone because there is no such zone; so that the nearest that the Council could come to that would be to deny the application and delay action until a decision is reached as to whether or not there shall be a Transitional Zone; or to vote against the recommendation, then the application of the applicant is before the Council and it can be voted on. The Mayor asked that those who favored upholding the recommendation of the Plan Commission to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: None

Noes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

The Mayor then asked those who favored granting the applications as originally filed to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

The Mayor stated the changes to "C" Commercial and 6th Height and Area had been granted and the City Attorney was instructed to draw the ordinances to cover.

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WALTER STAEBELY

NE Cor. Red River  
& East 25th Street

From "B" Residence  
To "C" Commercial  
NOT RECOMMENDED by  
the Plan Commission

The Mayor asked that those who favored upholding the recommendation of the Plan Commission and denying the change to vote "aye"; those opposed to vote "no". Roll call showed the following:

Ayes: Councilmen Long, Pearson, Thompson, White, Mayor McAden

Noes: None

The Mayor announced that the requested change had been denied.

Councilman Long complimented the City Administration in its recent program of cutting plants on the corners and clearing the rights-of-way so that people could see where they were going. The Mayor added his commendation.

Councilman Long recognized the presence of MRS. C. A. McADEN, and CHARLES, JR.

There being no further business the Council adjourned at 2:20 P. M. subject to the call of the Mayor.

APPROVED

  
Mayor

ATTEST:

  
City Clerk