

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

March 6, 1947
11:00 A.M.

Council Chamber, City Hall

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The meeting was called to order, with Mayor Miller presiding.

Roll call

Present : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf - 5

Absent : None

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

The reading of the Minutes was dispensed with.

CECIL ROTSCHE, representing the citizens on Oakmont Boulevard in the vicinity of 29th Street and Mohle Drive, came before the Council and registered a complaint against a drainage condition in that area created when the streets in the Graham Subdivision were paved causing the water when it rains to overflow onto their property, and declared further that the condition was very insanitary. The City Manager reported that there was an obligation on the part of the subdivider as well as the City, but that the Engineering Department had been working on the matter and it was found that a storm sewer would be too expensive, but that a ditch could be dug and culverts built across the streets, which would give partial relief, and recommended that this be done, at an estimated cost of \$4,800.00. It was the sense of the Council that the recommendations of the City Manager be given a trial first, and that the City Council also make an inspection of the situation on the ground. In this connection, a petition signed by a large number of citizens in the vicinity of the 2800 and 2900 blocks of Oakmont Boulevard asking for relief from the situation was also received.

Councilman Thornberry 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 as a filling station site the property situated on the southwest intersection of South 1st Street and West Mary Street, which property fronts 150 feet on South 1st Street and approximately 117 feet on West Mary Street, and is known as Lots 1 and 2 and the east 9.5 feet of Lot 3, Block E of the James E. Bouldin Addition in the City of Austin, Travis County, Texas, and hereby authorizes John B. Loveless to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the same's being constructed in compliance with all ordinances relating thereto, and further subject to the foregoing attached recommendations and plans, and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and 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, traffic and fire regulations, and the right of revocation is retained if, after hearing, it is found by the City Council that the said John B. Loveless has failed and refused, and will continue to fail and refuse, to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

" Austin, Texas
March 6, 1947

Mr. Gulton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of John B. Loveless for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith, upon property located on the southwest intersection of South 1st Street and West Mary Street, which property fronts 150 feet on South 1st Street, and approximately 117 feet on West Mary Street and is known as Lots 1 and 2 and the east 9.5 feet of Lot 3, Block E, of the James E. Bouldin Addition in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by John B. Loveless and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

A storm sewer inlet exists on the west side of South 1st Street at the property line of West Mary Street.

We recommend that John B. Loveless be granted permission to construct, maintain, and operate said drive-in gasoline filling station and to construct

curbs, ramps, and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That the gasoline tanks and pumps shall be of an approved type and shall bear the label of Underwriters Laboratories, Inc., that all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City Streets.

(3) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap, which shall be constructed in accordance with our standard plan 2-H-146, and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer. Before commencement of any construction, the applicant shall apply to the Director of Public Works for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the Department of Public Works' file number 2-H-857.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached marked 2-H-857 and shall be of the pre-moulded type.

(6) That before use of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

(Sgd) J. E. Motheral
Director Department of Public Works

" J. C. Eckert
Building Inspector. "

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

An appeal by ORA ATTLAS SUMMERS, 2005 Bergman Street, for reinstatement of his taxicab driver's permit, which was revoked by the City Council at its regular meeting on March 21, 1946, was heard. After considering the facts in the case, it was moved by Mayor Miller that the said Ora Attlas Summers be granted a permit to drive a taxicab provided he abide by the regulations of the Taxicab Ordinance. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of HOWARD FOSTER SLATAFER, 2907 San Gabriel Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of ELVA VALENTINE GUENTZEL, 1905 Willow Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of JAMES JACOB BOLLINGER, 2512 Guadalupe Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of IRA ADOLPH WHITE, 4412 Shoalwood, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of CYRUS A. JENNINGS, 3400 Post Road, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of JAMES WARREN HAMPTON, 803 West Johanna Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the permit be granted. The motion carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes: None

The application of L. G. HARPER PARK, Route 2, Box 352-A, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes : None

The application of NEAL JACKSON ROUNTREE, 207 East Elizabeth Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes : None

The application of JAMES A. HESTER, 217 West 8th Street, for a license to operate as a taxicab a 1941 Chevrolet Special Delux Sedan, Motor No. AA-437708, State License No. EA-9477, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes : None

The application of JAMES DAVID MALONE, Route 5, Box 215, for a license to operate as a taxicab a 1942 Model, 4-door Chevrolet Fleetline, Special Delux, Motor No. 42-1069, State License No. DS-1212, duly approved by the City Manager, was submitted. Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes : None

The following application for a private boat license, duly approved by the Navigation Board, was submitted:

Name of Owner

Description of Boat

Payne, Robert B.-714 West 22 $\frac{1}{2}$ St. Snipe, Sail, 4-passenger

Councilman Bartholomew moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes : None

The application of SHEA'S, 401 Barton Springs Road, by William D. Shea, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes : None

The application of STOREY FRAZIER'S LIQUOR STORE, 1904 East 12th Street, by Story Frazier, for a package store permit, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The following report of the City Planning Commission was received:

"Austin, Texas
March 3, 1947

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

At a meeting of the City Planning Commission held on Friday, February 28th, the matter of interim zoning of newly annexed territory within the corporate limits of the City of Austin was discussed at length and the following recommendation was unanimously voted by the Commission:

That hereafter, whenever additional territory is annexed to the corporate City, the City Council contemporaneously adopt interim zoning classifications for the property annexed in order to control any immediate development of the land before final zoning classifications can be established and the Ordinance and zoning maps of the City be amended for the purpose of allowing proper time for a zoning commission to determine the proper use of the land in relation to the existing development within the City contiguous thereto and the surrounding area remaining within the County in order that proper protection can be secured for existing developments and to harmonize the use of the present and new land with respect to a comprehensive zoning plan for the City; such interim zoning will be preferably an "A" Residence classification and First Height and Area as set out in the Zoning Ordinance which then can be modified by a final amendment to the Ordinance and maps of the City.

Failure to follow this procedure can readily cause serious conflicts between the old and new portions of the City with respect to the developments which can be made by non-civic and selfish interests, causing serious damage to the already developed areas surrounding the same. This procedure is followed throughout the Nation and has been sanctioned by the Courts in other states.

At the above meeting of the Commission, the existence of an island of the County within the corporate limits of the City was discussed and the Commission again, by a unanimous vote, recommends to the City Council that this island be immediately taken into the City the same as the two other tracts in this immediate area recently incorporated. Since this island is uncontrolled by the City with respect to land use and is now surrounded by high-class residential developments and new subdivisions well planned and coordinated with the general master plan of this area which has been approved by the Federal Housing Administration for mortgage insurance, it is very important that this area be brought under control

by the City in order to prevent undesirable developments which the presence of the railroad tracks may invite. Under the status quo, any industrial or "C-1" or "C-2" Commercial uses may be made of this land without any recourse on the part of the City to prevent the same. Such development would inestimably damage the residential subdivisions now being developed contiguous to the same. This property should be immediately zoned as an "A" Residence District and First Height and Area District.

In connection with the above recommendation, the City Planning Commission wishes to further recommend that the City straighten out the east boundary of the City and to incorporate additional land to protect the Airport Boulevard from Montopolis Bridge to the Airport. The trend of development in this direction is now residential and more subdivisions are being submitted for such developments but there are at the same time certain commercial developments now contemplated which would have serious adverse effect upon the surrounding properties for residential purposes and would destroy such residential values and conceivably establish incipient blight and interfere with an orderly harmonious development of the area. It is hoped that the usual ribbon commercial development along this Boulevard may be prevented and proper pattern of land use along the same be established.

Respectfully submitted,

CITY PLANNING COMMISSION

By (Sgd) H. F. Kuehne
Chairman. "

It was the sense of the Council that the foregoing report of the City Planning Commission be approved and the City Attorney be instructed to prepare an ordinance zoning the newly annexed territory as "A" Residence District and First Height and Area District until the Zoning Commission has had time to study same and make its recommendations, similar ordinances to cover the Giles and Simms tracts, and all other recently annexed additions; also an ordinance taking into the City the island of the County as shown in blue on the map submitted, and an ordinance zoning this property as "A" Residence District.

Councilman Wolf 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 "B", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, BOTH INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION OF THE FOLLOWING DESCRIBED PROPERTY SO AS TO CHANGE THE FIRST DESCRIBED LOT FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT

AND AREA DISTRICT, AND THE SECOND AND THIRD DESCRIBED LOTS FROM THE LIMITED "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT DESIGNATED BY THE ORDINANCE PASSED MARCH 14, 1946, AND RECORDED IN BOOK "M", AT PAGES 149-150, ORDINANCE RECORDS OF THE CITY OF AUSTIN, TO "B" RESIDENCE DISTRICT AND SECOND HEIGHT AND AREA DISTRICT, TO-WIT: LOTS 22, 23, AND 24, IN OUTLOT 53, DIVISION "D", CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, COMPRISING A TRACT LOCATED AT THE NORTHEAST CORNER OF PEARL AND WEST 25TH STREETS; AND CHANGING THE HEIGHT AND AREA DESIGNATION SO AS TO CHANGE TO SECOND HEIGHT AND AREA DISTRICT THAT PORTION OF THE FOLLOWING BLOCK NOW DESIGNATED AS FIRST HEIGHT AND AREA DISTRICT: THE BLOCK BOUNDED BY LEON, WEST 23RD, SAN GABRIEL AND WEST 22ND STREETS, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGES HEREBY ORDERED; AND DECLARING AN EMERGENCY.

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

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

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

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

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

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Thereupon Mayor Miller declared that the ordinance had been finally passed.

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

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

That the following described two (2) tracts of land owned by the City of Austin, a municipal corporation situated in Travis County, Texas, be, and the same are hereby, set aside and dedicated for use as a public

street and thoroughfare in the City of Austin, said tracts being described as follows:

Two (2) tracts or parcels of land each being out of and a part of a certain 100 acre tract or parcel of land out of the Thomas Hawkins Survey and the J. C. Harrelson Survey, within the City of Austin, Travis County, Texas, which 100 acre tract or parcel of land was conveyed to the City of Austin by J. M. Patterson et al by deed dated February 28, 1941, of record in Volume 668, pages 396-397, of the Deed Records of Travis County, Texas, the said two (2) tracts or parcels of land being more particularly described by metes and bounds as follows:

Tract No. 1:

Beginning at an iron stake at the southwest corner of said City of Austin 100 acre tract of land, said point of beginning also being the northwest corner of Lot 1, Block "B", Willow Brook Addition, a subdivision of record in Book 4, page 259, of the Plat Records of Travis County, Texas;

Thence with the west line of said City of Austin 100-acre tract of land, N. $30^{\circ}07'$ E. 50.00 feet to an iron stake in the north line of a proposed street;

Thence with the north line of said proposed street S. $60^{\circ}08'$ E. 39.15 feet to an iron stake in the west line of Chestnut Avenue;

Thence with the west line of Chestnut Avenue S. $9^{\circ}32'$ E. 64.71 feet to an iron stake in the south line of said City of Austin 100-acre tract of land, said point being the northeast corner of the previously mentioned Lot 1, Block "B", Willow Brook Addition;

Thence with the south line of said City of Austin 100-acre tract of land, same being the north line of Lot 1, Block "B", Willow Brook Addition, N. $60^{\circ}08'$ W. 80.40 feet to the place of beginning, containing 0.07 of one acre of land.

Tract No. 2:

Beginning at an iron stake in the south line of said City of Austin 100-acre tract of land, same being the north line of the previously mentioned Willow Brook Addition, and from which point of beginning an iron stake at the southwest corner of said City of Austin 100-acre tract of land bears N. $60^{\circ}08'$ W. 158.05 feet;

Thence with the east line of Chestnut Avenue N. $9^{\circ}32'$ W. 78.89 feet to an iron stake at the point of curvature of a curve whose intersection angle is $50^{\circ}36'$, whose radius is 30.00 feet, and whose tangent distance is 14.18 feet;

Thence following said curving line to the left an arc distance of 26.49 feet, the long chord of which arc bears

S. $34^{\circ}50'$ E. 25.64 feet to an iron stake at the point of tangency of said curve;

Thence S. $60^{\circ}08'$ E. 1185.17 feet to an iron stake at the point of curvature of a curve whose intersection angle is $35^{\circ}14'$, whose radius is 141.59 feet and whose tangent distance is 44.96 feet;

Thence following said curving line to the left an arc distance of 87.07 feet, the long chord of which arc bears S. $77^{\circ}45'$ E. 85.70 feet to an iron stake in the west right-of-way line of Airport Boulevard or State Highway No. 29;

Thence with the west right-of-way line of Airport Boulevard S. $5^{\circ}22'$ E. 50.00 feet to an iron stake at the point of curvature of a curve whose intersection angle is $35^{\circ}14'$, whose radius is 191.59 feet, and whose tangent distance is 60.84 feet, and from which iron stake another iron stake in the south line of said City of Austin 100-acre tract of land bears S. $5^{\circ}22'$ E. 42.97 feet;

Thence following said curving line to the right an arc distance of 117.82 feet, the long chord of which arc bears N. $77^{\circ}45'$ W. 115.97 feet to an iron stake at the point of tangency of said curve, said iron stake being in the south line of said City of Austin 100-acre tract of land;

Thence with the south line of said City of Austin 100-acre tract of land N. $60^{\circ}08'$ W. 1158.28 feet to the place of beginning, containing 1.47 acres of land.

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 street purposes of the tracts of land hereinabove described.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Dr. Robert L. Kennedy has made application in writing for permission to operate a doctor's office for the practice of optometry or denistry for human beings only, on Lot D, a part of Lot 8, in Block 15, of the Original City of Austin, Travis County, Texas, the same being on the east side of Nueces Street and locally known as 1209 Nueces Street, and is located in a "B" Residential District, which 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 office for the practice of optometry or denistry for human beings only be granted to Dr. Robert L. Kennedy, with the following conditions:

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

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

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of Mrs. Margaret Bell Leggett, 802 San Antonio Street, for a change in zoning of the property located at 803 Nueces Street and 802 San Antonio Street, being the north one-half of Lots 1, 2, 3, and 4, Block 102, from "B" Residence District to "C" Commercial District, was received. Councilman Glass moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of Bradfield & Brush for change in zoning of approximately $3\frac{1}{2}$ acres, triangular in shape, bounded on the north by West 19th Street, on the south by Shoal Creek Boulevard, and on the east by a subdivision to be known as "Vance Park", from "A" Residence District to "B" Residence District, and from First Height and Area District to Second Height and Area District, was received. Councilman Glass moved that the application be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Councilman Wolf 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 for and in behalf of the City of Austin to enter into a contract with the Board of Regents of the University of Texas for the use by the University

Health Service of Brackenridge Hospital, substantially according to the terms and provisions of a proposed contract, a copy of which is attached to this Resolution and made a part hereof for all purposes.

(Copy of Contract attached)

THE STATE OF TEXAS :

COUNTY OF TRAVIS :

This agreement between the Board of Regents of the University of Texas, hereinafter called the University, and the City of Austin, a municipal corporation situated in Travis County, Texas, being the owner and operator of Brackenridge Hospital, hereinafter called the Hospital:
W I T N E S S E T H :

1. The Hospital agrees to receive as patients at the following rates those students of the University who present a current auditor's receipt issued by the University and showing payment of the "optional hospital fee":

Surgical cases, major and minor, first day - \$20.00
Medical cases, major and minor, first day - 10.00
Each additional day, all cases, private room- 8.00
Each additional day, all cases, semi-pvt. room 6.25

2. The per diem rates set forth in the preceding paragraph shall include the following services and facilities:

- (a) A \$6.00 private room as to the first three rates listed above;
- (b) One routine admission laboratory service consisting of a complete blood count and urinalysis;
- (c) Operating room;
- (d) Pathological examination of tissues removed at surgery;
- (e) Anaesthesia material;
- (f) Medications up to \$5.00 for any one stay and dressing up to \$5.00 for any one stay. Any medication or dressings over and above the respective \$5.00 limitations shall be charged to the student rather than to the University.

3. The per diem rates set forth in paragraph 1 will not include charges for X-Rays, blood transfusions, electrocardiographs, basal metabolism tests or any other type of laboratory examinations not described in the included services above; nor will said per diem rates include administration of an anaesthetic regardless of whether done by an outside anaesthetist or by the hospital anaesthetist. For laboratory examinations and other services not included in said per diem rates, the Hospital will charge the rates customarily set up for such examinations or services. It is understood, however, that such examinations may be made by the University Health Service Pathologist. The Hospital shall charge a nominal fee for emergency treatment.

4. In the event that \$6.00 room accommodations are not available at the time of entry of the patient, and that a room at a higher rate must be

used, the patient will be charged the difference between the \$6.00 rate and the rate of the room occupied; but the Hospital agrees to transfer such patient to a \$6.00 room as soon as such accommodations are available. In the event the patient requests accommodations in a room normally carrying a higher rate than \$6.00, such patient will be required to deposit the difference between the University rate of \$6.00 and the customary rate charged for such accommodations.

5. The University, acting through the Director of the University Health Service, agrees to pay for hospitalization of those students admitted to the Hospital in accordance with paragraph 1 for a period not to exceed ten (10) days at the rates and charges set forth in this contract. Hospitalization in excess of such ten (10) days will be charged directly to the patient.

6. The term of this contract shall be from the date of execution through December 31, 1947.

WITNESS OUR HANDS this ____ day of _____, 1947 .

BOARD OF REGENTS OF THE UNIVERSITY
OF TEXAS

ATTEST:

By _____
Chairman

Secretary
ATTEST:

CITY OF AUSTIN
By _____
City Manager

City Clerk

APPROVED FOR UNIVERSITY:

Scott Gaines

Dr. George W. Dechard

APPROVED FOR HOSPITAL:

Trueman E. O'Quinn, City Attorney

Charles A. Weeg

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

The application of GRAND TERRAN BARBECUE KITCHEN, 1816 East 12th Street, by Reuben Jones and Willis Jones, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

It was the sense of the Council that the automobile raffles for which tickets are now being sold on the streets be allowed to continue to completion, but that no more permits for street space for same be granted.

The following report of the Zoning Commission was submitted:

"Austin, Texas
February 26, 1947

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

Pursuant to the resolution adopted by the City Council on January 2, 1947, appointing the Zoning Board of Adjustment as the Zoning Commission to make recommendations as to the zoning of three tracts of land, respectively consisting of 20.60 acres, 31.78 acres, and 70.59 acres, annexed by ordinance on December 23, 1946, the following report and recommendations are hereby submitted to the City Council.

After its appointment, the Zoning Commission individually inspected these areas to familiarize themselves with existing conditions, present uses, and other circumstances which might influence the proper classification of these properties.

After careful consideration of the proper zoning and conference with property owners and examination of the sites themselves, the Commission at a meeting held on February 18, 1947, adopted the following recommendations which are herewith submitted to the City Council as indicated on the attached map of the City of Austin and individual plats as follows:

- (a) General map of the City of Austin showing the three areas which were annexed
- (b) A plat of Highland Park West
- (c) A plat of Vallejo Subdivision

On the map of the City of Austin these areas are shown in red to fix their location with reference to the entire City.

On the attached maps the use classifications are shown in various colors as follows:

The uncolored portion represents "A" Residence District and First Height and Area District

The portion colored green represents a "C" Commercial District and First Height and Area District.

The recommendations herein made with respect to the various areas and subdivisions conform to the deed restrictions proposed on the properties by the subdividers and appearing on the plats and being on record in the Travis County Clerk's office. All the property with the exception of two community centers is indicated to be "A" Residence District and First Height and Area District in view of the fact that these areas lie in residential sections of the City and are intended to be developed for residential purposes, and such zoning is in harmony with the present zoning of the adjacent City property and is the logical use to which this land should be put.

The green area on the plat of Highland Park West is recommended to be "C" Commercial District as a community center which, however, has been shown as a "C-1" District on the plat as the owner intends to control the building of the community center and the businesses to be established, among which would be a restaurant where it is intended that beer should be sold with meals as provided in a "C-1" District. The Board recommends, however, that this be zoned as a "C" Commercial District since it is a question whether or not this area is in a dry district, having been so voted under a local option election, which would, therefore, prohibit the sale of beer in this area and the establishment of a "C-1" District would have no legal force or effect until the area would again be voted wet in another election.

The area indicated "red" on the Vallejo Subdivision plat indicates a small community center which the subdividers have planned to control with respect to uses and architectural design and is for the convenience of the residents of the Subdivision, there being no other commercial property nearby other than the Burnet Road and the Georgetown Road.

The areas shown "red" on the large map east of the Southern Pacific Railroad, Llano Branch, which include McKinley Heights Subdivision and Willow Brook Subdivision, both of which are residential subdivisions, are recommended to be "A" Residence District and First Height and Area District since these are an extension of the present "A" Residence developments in this section of the City.

The area shown "blue" on the large map is a portion of Travis County now being surrounded by the City of Austin due to the annexation of the adjacent areas shown red and is, therefore, not now zoned. The Board urgently recommends that this area be taken into the City in order that it might be also zoned to prevent the establishment of any type of use without any control whatsoever since the City has no zoning authority beyond its corporate limits. Developments in this area could conceivably ruin all of the values of surrounding property, all of this area being developed as high-class residential properties.

The Board wishes to further recommend to the Council that whenever, in the future, areas are annexed to the City of Austin there be simultaneously interim zoning established for these areas subject to final zoning in accordance with the legal procedure set up by statute and the City Zoning Ordinance in order to prevent a development of these areas in conflict

with any future zoning as finally established for that area. Such non-conforming developments have already occurred on one of the tracts which was recently taken in and a part of the areas above referred to and to which objection has been voiced by adjacent owners of property lying within the former city limits. Since it takes some time before final zoning can be legally applied, it is highly desirable that interim zoning be established in order to prevent confusion and establishment of future non-conforming buildings and uses in the areas annexed.

Respectfully submitted,

ZONING COMMISSION

By (Sgd) H. F. Kuehne
Chairman. "

City Manager Morgan submitted to the Council the following communication, which was ordered spread on the minutes:

"Austin, Texas
March 4, 1947

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We are the owners of Lots 4, 5, and 6, in Block 108, of the Original City of Austin, and of a strip of land 2.4 feet in width lying north of and adjacent to such lots, extending from the east line of Lavaca Street to the northwest corner of Lot 4 in said block.

At the present time a power transmission line of the City of Austin is located in the alley north of said lots, the poles of which line are located immediately north of the north line of the strip of land above referred to.

As consideration for the abandonment by the City of the strip above referred to by the passage of an ordinance vacating such strip as a part of the alley, we agree to recognize the right of the City of Austin to maintain such power transmission line in the location where it now exists. The right to maintain such transmission line in its present location shall continue until such time as improvements on our property may require a change in location of the line.

We further agree that in the event a change in location is necessary, all costs of relocating the line will be paid by us.

Very truly yours,

(Sgd) F. F. Knight

" J. M. Odon "

Mayor Miller offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Council recognizes the great loss to the City of Austin in the death of Judge John Hornsby; therefore,

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

THAT the City Council desires to express its esteem and respect for him and its sorrow and condolence to his family upon his death by having a copy of this resolution entered in the minutes of the City Council.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes: Councilmen Bartholomew, Glass, Johnson, Mayor Miller and Councilman Thornberry

Noes: None

There being no further business, upon motion, seconded and carried, the meeting was recessed at 12:05 P. M., subject to call of the Mayor.

Approved:

Tom Miller.
MAYOR

ATTEST:

Allen M. Kellan

CITY CLERK